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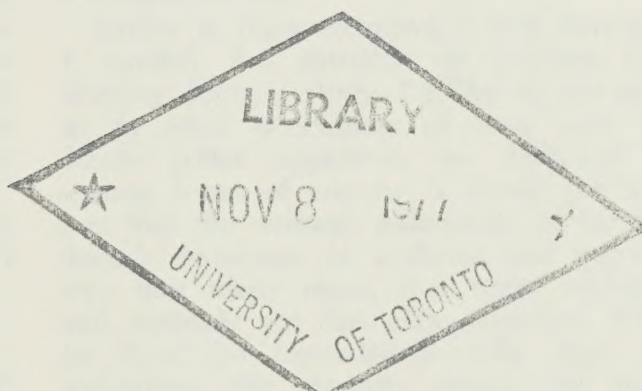


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No. 36

# Legislature of Ontario Debates

## Official Report (Hansard) Daily Edition



**First Session, 31st Parliament**

**Monday, October 31, 1977**

**Evening Sitting**

**Speaker: Honourable John E. Stokes**

**Clerk: Roderick Lewis, Q.C.**





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# LEGISLATURE OF ONTARIO

MONDAY, OCTOBER 31, 1977

The House resumed at 8 p.m.

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

(continued)

On vote 1603, supervision of police forces program; item 2, Ontario Police College:

**Mr. Chairman:** I believe before the dinner hour the member for Lakeshore had the floor.

**Mr. Lawlor:** Before the dinner hour, I was making some remarks which were meant to be, and I am sure the Solicitor General (Mr. MacBeth) took them to be, completely impersonal remarks. They had nothing to do with him personally. They had to do with the state of mind. True, he is shrouded in that dementia to some extent, but that's neither here nor there. We remain above mere personalities, if I can put it that way, in this House. States of mind are terribly important, even in this House, mindless as it mostly is. It is the state of mind which I was concerned with. I'll just say one further word on that and then get onto the proper vote.

It's to say to the opposite side we're not perfect, as though the opposite side didn't know that.

**Mr. Young:** Speak for yourself.

**Mr. Lawlor:** Secondly, as though the opposite side were, as on this All Hallows Eve, seeking for goblins, witches and various forms of mythical creatures, such as perfection—we're not asking you to shell out—

**Mr. Worton:** This is Hallowe'en, my friend.

**Mr. Lawlor:**—nor are we such cretins that we think perfection to be possible. We are all, to some degree, Manichees in legislatures; knowing the frailty, if you will, and even the wickedness in human beings. But what we do think is feasible, and which we beg for on occasion, is a little inching up the slippery slope of a greater possibility than has yet dawned upon the government and the ministerial function that's presently under scrutiny.

We don't want perfection; just a little. We just want improvement; some slight, if

possible, improvement. They seem, over there, if you listened to it, to have subverted that particular stage of the argument as a crying for the moon or something like that. It is a rhetorical trick which you use—and I mean this impersonally—constantly throughout these estimates, which I find somewhat irritating.

On item 2 of the vote, the college, my only submission to you in this set of estimates, in this way, is something you said earlier today that has to do with the public perception of the role and function of the police. Because of any number of television shows, I suppose, it is in the North American consciousness that the police are out rounding up robbers and that most of their lives and time are dedicated to a fastidious reading of the Criminal Code. This is the chief overview. That isn't true at all; it's a complete myth.

Earlier in these estimates, a few days ago, I mooted the situation of perhaps considering doing a study—I'd like to see one—as to what allocations of time over the whole police apparatus are dedicated to various forms of activity. I would put it to you that the average policeman, in his life, doesn't encounter in a direct and personal way that many rapes, that many robberies and certainly not that many murders. When he does, he immediately calls upon the specialists; the morality squad, the fraud squad and the homicide bureau to move in. They take over. These men are specially trained and skilled.

That's where the training of the police lies, in a diverse professional way directing their attention to these things. It is being done, but to pretend that the average policeman is overwhelming or primarily or even secondarily concerned with that is to distort the whole possibility. Far more of his time is spent with respect to traffic offences and with respect to guidance of traffic. I would suspect—and I'd love to see the figures—about 75 per cent of police time is spent in doing community work in the very broad sense of that, aiding people in trouble in one way or another and not in laying charges and not in leading or hauling people off to jail. This is somewhat commensurate to what



is the de facto or actual job, from day to day, for the rest of his life, as long as he is out there working. It is likely to be in that kind of proportion or somewhere like that.

It cannot be completely that; they do have to study the Criminal Code to some degree and to some extent, and that is a concentrated and demanding study.

But there is the far wider implication—and when my friend speaks of educating them, I am sure that is partially at least what he has in mind—of the attitudes, the deportment, the ways of behaviour, imported partially from contemporary psychology but from basic human decency generally, which doesn't particularly have to be hammered away at. But the sociological should be given the knowledge of the currents running in a vastly changing society, a society which is changing its modes of styles of life and its deportments probably now about every five to seven years.

Our youths' mentality, their attitudes and ways of acting, are altering. They alter constantly, not just because of the growing-up process, but as an overall cultural thing. We must have sensitivity to that, awareness of that, and the feeding of it into the police, because they are the ones responsible in terms of the maintenance of degrees of order in a society. They must have a sense of the currents and how to forfend against them or direct them or give them purpose and meaning within a context.

Our jails are loaded to the doors; we all know that. Our courts are coming to an appalling state of snarl; we all know that. We will come later in these estimates to the police role in helping to bring that about. They have made their contribution. I will spend a moment on it.

All these areas live in some kind of isolation from each other. You are the overall minister, over all the Justice portfolios. There is this self-imposed isolation. The judges say it is not their job, they don't give a hang as to whether the jails are full; that is for the Ministry of Correctional Services to look after. The police over here say, as far as they are concerned they will lay all the charges in the world, it is for the courts to look after, it is not their problem; they are doing their job.

But somehow, some kind of coherence is going to have to be established among all these branches to work together in the greatest degree of harmony and with the least detriment to the general citizenry. Putting people in jail doesn't often very much

help them or the taxpayer whose interest is affected.

You talk about restraint and wring your hands over there in this particular area. Do you coalesce? Do you bring the various segments together into some kind of mutual interrelationship and working arrangement? On the whole, standing over here, no you do not. I don't see you are doing it at all. Therefore, on the police training thing, I do not think there is a proper balancing out as to intercommunity relationships nor a heightened sense of the role of the police as community officers.

[8:15]

When we talk about mitigating the role of the military aspects and those things, we mean recognition of these men who—because of their usual brightness, their physical aliveness, and because some of them are the best elements in our population and open their minds and open their lives to a particular kind of hazardous job—take the full brunt. People who are prepared to do that are, to some degree, quite extraordinary human beings. And we must give them credit for that too. This particular kind of individual is, perhaps, more willing to attune himself than most caught up on routine jobs—those who do mechanical chores, et cetera, and whose sensibilities are dulled and deadened to some degree, by that kind of occupation.

That's not the role of the police. The policeman can be, and most of them are, very sensitive, alive human beings. My feeling is that you don't develop the kind of sensitivity I'm speaking of. You don't give sufficient encouragement to it, nor is your police college set up to handle the best thinking in this particular field. What makes people tick? What is the fundamental thing? Why do certain groups in our community, namely criminals, make an exception of themselves vis-à-vis the law? Why do people do that?

Take a look at that young guy last Saturday night. Did you ever see a more bizarre case of mixed paranoia and schizophrenia? Here is a human being living in an impersonal society who feels that he isn't given enough attention. So what did he do? He dressed up in cowboy clothes, for heaven's sake, and went into a trust company office and held everybody at bay. He shot 14 times into the ceiling and the wall. It was quite bizarre.

And what was he doing? He was trying to get attention. Maybe you think that's too simplistic, but the individual said: "Why do you think I'm standing here? I'm trying to get attention. I know I'm not going to get



any but having been here long enough I've been enured to inattention. I rather enjoy it now. It's a part of the smell of the place."

That's a sense of self-worth. We don't breed it. We don't give much recognition to it. It will take a lot of time to begin to get some gleanings of what really causes this particular kind of grotesque activity in society. How do you approach it? How do you forfend against it?

I gave Adamson some credit the other night, you know. He says he usually doesn't make deals with liquor or with guns. You can see why. Feeding a person liquor in that kind of jeopardy is unquestionably likely to heighten the temperature rather than to cool it out. But that was a smart move. He used good psychology on that occasion.

The single 40-ounce bottle appeased the fellow. That was the first time he'd been given a gift in months. Maybe it was the first time he'd been given anything but a slap in the face in his whole life; who knows, this is quite possible. So in that particular context, it worked. The Metropolitan Toronto police and the provincial police, on the whole, have a sense of that. But I'm sure it's not taught.

If there's one subject that's taboo among men in public life it's psychology. You should never talk about it.

Mr. Smith over there is a psychotherapist. He never talks about it. I thought it very strange. He never mentions it; and yet it runs like a disease through our society, all the way through. And if you want to feel better tonight—we all are a bit infected—sometimes we say that health is what we do with our own sickness; what do you do with your own sickness? Do you use it well? Do you turn it to account? Do you help other people? Do you give blessings? Do you take all the time? Do you take everything you can get? That's the difference, right there.

All right. I think some of the elementary lessons are necessary. How often does a psychiatrist, not any psychiatrist—because half of them are nuts too—but some psychiatrist in whom you have confidence and who has a deep sense of the interpersonal come in and speak to the police college? These are the currents that run.

The criminal mind is not all that different from yours and mine, except it makes exceptions for itself which we don't think we are justified in doing. Our sense of responsibility is such that we deny ourselves the exception.

There are first rate people around, at McMaster and all over the place in the fields of sociology. Stay away from the guy who deals only with numbers. He's a menace, but the fellow who is aware of the plight, particularly of youth with whom you largely deal—overwhelmingly deal—is the man. You have to choose your people with great care; those who are going to lecture there—not anybody by any means; one out of 15 perhaps, and I am being generous now.

Okay, that's the basic nostrums I would forward to you this evening. If you can do that, then you can fructify and bring about very great changes. There would be no diminishment in the role of police. It would be an enhancement all the way along. No criminals will escape who otherwise would not have done so, but there will be a lifting of the quality of the whole society, because the police are so central to the heart of that society.

I will end by saying that to this date I get a feeling that now it's done perfunctorily, more by rote, less by sensitivity; and less blessed by orientation and a way of looking at the world; rather than by a kind of mechanistic saying, "We will meet the demands of the wretched opposition, because they will be raising Cain anyhow, so we will throw in a little sociology here, two-and-a-half hours on a Tuesday afternoon"; that kind of thing." I just don't think that works.

**Mr. Chairman:** Does the hon. minster have any comments?

**Hon. Mr. MacBeth:** Yes, Mr. Chairman. I buy a great deal of what the hon. member for Lakeshore has been saying. It's good to listen to him as he philosophizes in a very practical way on the kind of training the police college should give to policemen.

I understand they have some 24 periods of 45 minutes each, representing some six per cent of their time, dealing with matters of public relations and community affairs. Now that goes further than the three hours dealing with psychological problems in particular. When it comes to public relations, I understand that some six per cent of their time is spent on that. Maybe it should be more.

**Mr. Lawlor:** Fifteen for a start.

**Hon. Mr. MacBeth:** Well, we could all take figures out of the air and certainly 15 per cent is better than six per cent.

We should look at the progress the college at Aylmer has made. As you know, it has expanded dramatically in the time it has



been there. We are announcing in these estimates an increase in the length of the courses. So we are making progress in giving the police, the young police officers, better and more formal training. As we give them this more formal training, we are trying to put the right academic background into it as well—including the kind of things that the member for Lakeshore and the member for Dovercourt have been talking about. As those courses are increased in length, as I am sure they will be over the years, I am likewise sure that the points that you have made will be the points that need emphasis.

You are right that a very small proportion of the average policeman's time is spent in dealing with the criminal law. He deals with the whole gamut of human relations, whether it is settling a domestic fight or trying to persuade some youngster that it is time he went home and didn't create a nuisance on the street, or risk his own personal welfare by being in places where perhaps he shouldn't be.

Mr. Joe Mennill, who I think is probably in our last budget session with us tonight, is retiring at the end of the year. He has been the principal of that college. He has a wide background, but his academic background in the field of teaching is probably as predominant as his police background. Certainly when it comes to teaching the police, he has not simply taken the point of view that some policemen might, that all he has to be taught is the martial sciences and not the philosophy of good policing.

He has handed me a note dealing with—I shouldn't say his philosophy, necessarily, but the attitude of the college on the problems you raised. "The candidate must be prepared to handle any situation when it occurs, thus he needs to be trained for these emergencies. His day-to-day experiences since he was born have given him more or less skill in dealing with people. We must pick those who have developed these skills, and then sensitize them to some of the more critical human interrelation problems with which he may be faced. Many have courses in sociology and/or psychology."

Not only do they all get those, but some go on to specialize in other types of courses that we offer from time to time at the universities or elsewhere—specialized courses of one sort or another—and he is reporting that many take courses in sociology or psychology.

So we are not forgetting these things. I agree a great deal with what you are saying, and don't want to take issue with that. I know that many police forces, Metropolitan Toronto, for example, have officers who do nothing but community work. They go into

the schools and talk to the young people about dealing with the police and keeping out of trouble. My ministry has put out a very good movie that was well received which tries to teach young people the danger of getting involved in any type of criminal activity. That's all part of the training you are asking us to do in the community; that is training in the community and we do do that.

Just a week or so ago I was reading an article in the OPP Review on the OPP detachment at Rockcliffe in the Ottawa-Carleton region. From reading that article, you would think 95 per cent of the Rockcliffe detachment's time was dealing just with matters of public relations. I guess the problem is that instead of specializing, as we do in our police forces today, with some people dealing specifically in criminal intelligence and others in community relations, that they are too specialized. Perhaps all police officers, whether in criminal work or even in traffic—and maybe traffic above all—should have more training in public relations and in the arts of psychology rather than leaving it for specialists in community relations. I think if there is a message you are giving us, it is that this should be universal in approach rather than letting a few specialized officers deal with public relations.

I've taken your lecture, and I regard it in part as such, to heart. I gave you 100 per cent of my time when you were speaking, so I feel your own psyche should not be disturbed by your wish of attention, because I find it is always good to pay you attention, that you have words of wisdom to impart.

You said police budgets must be open to scrutiny. I agree with you. I agree they should be at the municipal level, as well as at the provincial level. I find it, as a minister, difficult to deal with figures when you want to say how much is spent on a particular item at the House level. I think that can be done much more effectively at the committee level, where we can pass papers back and forth and have more detailed discussion as to what is being spent on this item and what on that item.

[8:30]

But I assure you there is very little of our budget that is regarded as confidential. We have one item there dealing with rewards which are actually paid through the Treasurer. There was very little of that spent this year. I don't know what it was, but very little.

Parts of that may be confidential as to whom those payments are made.

We don't have that much in the field of security that I think we need have any hesitation in telling you what is being spent on



security. If there is any part of the budget on which you want further figures or further information—don't necessarily ask for it now, though it's your right to ask for it if you want it now—I think it would be more satisfactory to get it from people such as Mr. Lorne Edwards who can give you all the detail you want. I assure you there's very little, if anything, sacrosanct about our budget.

**Mr. Stong:** Ordinarily, when I have to agree with my colleagues on the left, Mr. Chairman, I do it with very much regret. But I must say, the only thing that I regret with respect to what the member for Dovercourt (Mr. Lupusella) and the member for Lakeshore (Mr. Lawlor) have said is that I did not say it first.

I agree basically with what they have said. I'm very much impressed with the fact there is a lack of direction and a lack of thrust towards public relations in police training, as is evident from the material supplied to us in preparing ourselves for these estimates.

Earlier this afternoon I recounted an incident in which the police had stopped a car on Yonge Street. I in no way recounted that story with an intention to fetter the discretion of police officers, because we cannot, if anything we must give them more freedom to move in our society. I related that story for the sole purpose of indicating, as my two friends on my left have indicated, that we must be aware of the fact that police are concerned with public relations. They do represent the authority of the law when they wear the uniform, and society is becoming more and more dependent on the police.

The minister said earlier that it is not the job of the police to educate the people. Let me tell you, from my experience, people complain and the complaints that I receive—it is amazing that members of the opposition get complaints when those sitting in the place of authority don't get those complaints; I'm wondering what that means. Perhaps the people in authority don't listen; perhaps their ears are closed to these problems.

I find the government is five years behind the times in dealing with the people. The government should lead, but in this case it's holding the police back.

The people have no one to turn to in society. And Toronto is no exception; as a matter of fact I think Toronto probably stands on feet of its own in this respect. Crime is on the increase.

Why is crime on the increase? It will continue to increase so long as we protect our anonymity, so long as we do not become known and allow ourselves to be known by our neighbours, so long as we don't take an

interest in the people in Toronto, our neighbours.

You've probably stepped onto elevators; and riding down from the 15th floor, that elevator will stop at every floor to take people on or discharge them. What does everyone on the elevator do? They stand looking at the numbers light up and go out rather than look at one another in society.

**Mr. B. Newman:** Right on, absolutely.

**Mr. Stong:** The police must be and are the only vehicle that the people trust and the people look to. Whether the government is prepared to accept this or not, the police must play that role.

We cannot force members of our society to go to psychiatrists. We cannot force members of our society into the schoolrooms again to learn these things. Members of our society are not going to pay to go to lawyers or professionals for this type of advice. They look to the police who represent the core and the power of this province. In that area, they are the only ones the ordinary person in society will turn to.

That's the police officer, the man who wears the uniform. And that man must be adequately equipped to meet every single incident he confronts; whether it be a robber, whether it be a small child shoplifting, whether it be a woman shoplifting, whether it be a break-and-enter, whether it be a youthful offender, an older offender, a person charged with fraud. No matter what the incident—whether it be a domestic dispute, whether he's called in to settle a situation, whether he's driving along the street and sees young people congregating—that police officer should be trained to stop his vehicle and go over to speak to those young people, whether there's an incident to be investigated or not. Those people need the police officer. His role has changed. The complexion of society has changed, and we have not kept up to it. We will not allow our police to keep up to it so long as we continue along the line we have in the training.

I would like to know the qualifications of those who apply for the jobs. What qualification—last answer? What do you do in screening process do they go through in their training to determine whether they have developed the skills of which the minister spoke in his last answer. What do you do in screening these people to determine whether they have developed the skills to deal with people?

Are they the aggressive type? Do you look for the passive type? By what criteria do you judge whether a person has developed



these skills that are so important and of which you speak?

What is the average academic achievement of an applicant for the police force? What are your requirements? What do you demand? What do you hope to attain?

What are you offering to people in society to attract professionals to the police department to serve us? For instance, fraud is a very specific area of crime. What tools and vehicles are at your disposal to attract professionals, such as accountants, such as lawyers—not all lawyers are dummies, you know, some of them are pretty smart.

Mr. Cureatz: Name one.

Mr. Warner: That's right, Sam, he was talking about you.

Mr. Cureatz: I knew he was

Mr. Stong: We have to attract that type of individual, that type of professional to keep on top of the sophisticated types of crime.

Also, what strategy, what policy decisions have you made in the training of young or new applicants to become police officers? I think there are several policies that conflict here in our present-day training. For instance, the young police officer who is trying to get hooks, trying to get a promotion, trying to get into the detective branch, measures his success by the number of charges he lays, the number of apprehensions he makes and the number of convictions he may attain or achieve in the courtroom. That's the criterion by which he judges himself. A policeman is overlooked, in my respectful submission to you and the ministry, if he can get along with the people in his community.

I know a police officer who served for over 40 years on the police force north of my town. It is now the York regional police force. I remember when I was in high school working for Hydro in the summer time. We stopped in at a restaurant. Officer Douglas Murray was a police officer for the Whitchurch township police at that time. I remember being at one of our coffee breaks at 10:30 one morning in a restaurant when the officer brought two young fellows into that restaurant and sat them each down on a stool.

He said, "You sit here; and you sit there." He sat in the middle. He was obviously investigating something. Whether it was something that these two young lads had done or whether they could give him information, I don't know. At any rate, his approach to them was to sit them down in a restaurant, in that atmosphere—and they all had a Coke. They sat there and they talked.

We never see that today. Maybe the issue is that police officers don't have time. The fact of the matter is, in my respectful submission, the police officer is going to have to make time in order to keep up with the demands and the needs of this complex society in which we live.

That is one conflict in my mind, in the training of an officer. He sees his promotion being dependent upon the charges, the apprehensions and the convictions. In so far as he does that we no longer see any record made of the number of warnings a police officer may issue. Why don't we use that as a criterion to judge the number of contacts he has made with people in society? Why doesn't he keep a record of the number of warnings, simple warnings that he has issued to people or contacts he has made in that respect, and make them public rather than judge his procedure only by the number of charges he has laid?

He is also confused by the fact that, rather than lay one charge in a given set of circumstances, he may do better to lay seven. You get travelling too close, careless driving, failing to stop; the whole line to cover the same set of circumstances—dangerous driving, careless driving; the whole gamut is before a person who goes to court. It clogs up our system, it clogs up the court, it clogs up dockets, maybe it will lend itself to plea bargaining, but that is not necessarily right either, in my respectful submission.

I agree with my colleagues from Dovercourt and Lakeshore when they ask for more psychology or sociology courses being offered to the police officers. I think that's very important, I think it's mandatory in today's society that the police officer be a person who is not necessarily aggressive but can be aggressive when the occurrence dictates.

There's one other thing that did occur to me when I looked through your material and when I looked at the type of course that's offered. We have supervisory courses offered, we have criminal investigation; and I'll have more to say about that in a few minutes. We have identification, we have police administration, we have traffic surveillance, we have traffic control; and we have youthful offender, down below these are seminars offered about the youthful offender. It would seem to me that should be a mandatory course rather than an option. If I read this material correctly, the seminars appear to me to be an option rather than something that's mandatory or compulsory for every single police officer who is trained and going through courses.



We have drug training. That should not be an optional course either. In my respectful submission, that should be mandatory for every police officer, because every police officer who has dealings with youth at all on the street, ordinarily and in most cases, gets involved with the drug scene somehow. He must understand it and he must understand the drug user. But, more important, he must understand the aspects of society that lead to the use of drugs.

I think he must understand that the young drug offender, of whom we demand jail, can see the hypocrisy in society. He knows he experimented with marijuana, he knows he experimented with something more heavy. He goes to court and he hears the prosecutor and he hears the police demand jail. He goes to his own home and looks in the medicine cabinet and sees what his parents have in there—uppers, downers, mood changers and mood levellers. Our society is based on drugs.

Young people see the hypocrisy of this whole system; but the police don't and it's time they did. In my respectful submission, this is an important aspect of training that is being overlooked. That's the type of psychology of which I speak. I'm sure it's the same thing for my friends.

We're also looking at crowd control. I wonder what makes up that course. Are the philosophy and the strategy of the training of a police officer first to place him in position of aggression? Must he be the mover? Must he put the person at the other end on the defensive so that he maintains control? Is that the strategy and the policy of investigating?

Let me turn to criminal investigation. In my respectful submission to you, the question of police investigation of criminal offences is based on the almighty dollar sign, on trying to save it. In so far as we're trying to save the dollar, we must cut down on our methods of investigation. We leave the sophisticated methods and we turn to the obtaining of statements from the accused. If the police officer can base his case on the so-called voluntary statement of an accused, then his time of investigation is cut down. Time after time, people before the courts will be fighting their charges, based on the obtaining of a statement which they say was either beaten out of them or that promises were made to them to get this statement. They complain about being rough-housed in our police stations. It seems to me that if we changed the law—and I know this is out of the Solicitor General's jurisdiction, but it is something perhaps the law can direct its mind

to—if it was made compulsory for accused persons to take the stand at their trial, then we would not need statements; if we did not need statements, then I think that there would be more guilty pleas entered in our courtrooms to offences for which people are charged than there are now.

[8:45]

I have represented people in the criminal courts, particularly young men, who have gone through what they call the "good-guy, bad-guy" routine in the police station: you have one person who comes on heavy and the other person who is a "nice guy." This is the type of situation they are confronted with.

What happens? They go to court to plead not guilty because they are angry that a statement was extracted from them, albeit maybe the statement is true—we are not even questioning that—and they want to have the last shot, the last fling at a police officer in the courtroom. It wastes the court's time. It is a complete bog-down of the court system.

We blame it on Legal Aid. I don't think the fault lies so much with Legal Aid as it lies in the basic misunderstanding of people in the community who feel that they have been mistreated and go to the court system to get some kind of justice. They do it not so much to get off the charge as to get around a statement they feel was extracted from them in circumstances to which they object.

There is no degree of sophistication in our investigation in many cases, particularly when you go to court and time after time the case is based on a statement extracted from an accused person.

In so far as police investigation is based on the notion of aggression, which is the policy and the philosophy of the ministry—and I am not laying all the blame on the police department, because the police department is only carrying out a basic philosophy that filters down to it from the top—in so far as that is the basic philosophy and strategy, we are letting society down.

It seems to me that the judges are aware, and perhaps the police are too, that society will tolerate a certain amount of rough-housing of individuals for chargeable offences: "I will tolerate it in so far as it does not apply to me." There is a basic hypocrisy that people feel there as well. The judges are aware of that.

If we are going to make the police role a real role in our society, and if we are going to fulfil the needs that are demanded in places, particularly like Toronto, where



we do not talk to one another and the only trusted individual is the police officer, who must fill a role, then we are going to have to change our policy and employ methods of investigation that are more sophisticated, that are perceived to be fairer and are, in fact, fairer. I believe, then, that we will be cutting down the number of court hours, the wasted court time by people who resort to a plea of "not guilty" just to justify the fact that they made a statement in certain circumstances with which they do not agree.

In his statement I think the Solicitor General indicated that 45 minutes was the amount of time he gave for the study of community affairs. I believe we have to extend that. I am not against other items to which he alluded; for instance, the physical education. I think that is necessary. And being a swimmer, myself, I was glad to see that that is included in the program. I also realize that the drill, the military aspect, the shooting practice—that is all necessary. We demand that of the police. There is no doubt about that. I do not have difficulty with that at all.

But I do have difficulty with the fact that members of our society are complaining about the bad public relations that emanate from their relationships with the police. The cases I quoted this afternoon, were cases where people were not charged with offences, because if they were, we could easily say: "They were charged and they are upset and angry because they were charged." I avoided those cases. There are all sorts of that type of case.

The cases to which I refer you dealt with an investigation, a witness observing an incident and complaining and the treatment he got. Another person, although it had racial overtones—separate the racial overtone aspect and we still have a dissatisfied person. Another man is driving home and is investigated. He made it quite clear to me that he was not complaining about the police powers to stop him and investigate him. He was upset because he did not get a proper explanation of why his wife was not allowed to drive and why he could not be reimbursed for his vehicle.

I agree with the minister when he suggests we cannot get into paying for vehicles that are impounded. I agree that's a good principle and I wouldn't like to see it changed. But I think the main complaint is the lack of appreciation for the people with whom they're dealing and the lack of an explanation when the time and the occasion warrants it. That's what this part of the training of our police officers is all about in

fact: the criminal investigation aspect, whether it's aggressive or too aggressive; and the other aspect of public relations with the ordinary people on the street, when they look toward police officers as the mainstay and the thrust of the law of the province of Ontario.

**Hon. Mr. MacBeth:** Mr. Chairman, I just wanted to correct one impression that I may have left. I said in the field of public relations they have 24 periods of 45 minutes each, not just 45 minutes.

**Mr. Stong:** That was my error, I'm sorry.

**Hon. Mr. MacBeth:** You asked about the skills you look for when we are hiring police or police candidates. As you know, they're probationary for a period so that the final decision is not made, necessarily, at the time they are taken on the probationary strength.

Each of the municipal forces sets its own standards. There is some guidance from the OPC, but for the most part they decide what their standards will be. My information is that about 46 per cent have grade 12 education, 40 per cent have grade 13 or better, and the other five per cent are university graduates. That only adds up to 86 per cent. Even my mathematics would not allow me to get through on that; oh, the remaining 14 per cent have less than grade 12.

**Mr. B. Newman:** Is that new appointments or is that staff?

**Hon. Mr. MacBeth:** No, I understand those are new appointments. So we're still getting some people on who do not have grade 12.

**Mr. Reid:** Very few.

**Hon. Mr. MacBeth:** Does that include the native people's band constables, or just municipal forces? My information is that it includes the band constables as well, all police; some of them may be in that field.

**Mr. Stong:** Does the starting salary vary?

**Hon. Mr. MacBeth:** Yes, the starting salary varies with the municipality involved, so that the only place you will have uniformity is in the OPP. I do have a set of criteria here for the OPP, which in view of your question you would be interested in.

"Our recruitment selection process consists of a five-phase program. Each must be successfully completed for an applicant to be eligible for appointment to the force. The five phases are as follows:

"1. Application screening: Each new application is reviewed to ensure that basic requirements are met and appropriate documents have been submitted; that is education documents, vision acuity reports where applicable.



"2. Entrance examinations: Administered at each of our 17 district headquarters at approximately one month intervals by our in-service training personnel. The examination consists of: (a) Otis self-administered tests of mental ability. It consists of 75 questions with a 30-minute time limit. This test measures logical reasoning ability."

**Mr. B. Newman:** Are those multiple-choice questions?

**Hon. Mr. MacBeth:** I can't tell you that. The nod from the sidelines is yes.

**Mr. B. Newman:** Surely you can devise something better than that.

**Hon. Mr. MacBeth:** Well maybe they can. I take it they are listening. I am certainly not an authority on these mental ability tests, never passed one myself.

**Mr. Reid:** That's why you are in the cabinet.

**Hon. Mr. MacBeth:** That's why I am in government anyway.

**Mr. Reid:** If you passed, you wouldn't be where you are.

**Hon. Mr. MacBeth:** I might be out being successful.

**Mr. B. Newman:** That's right.

**Hon. Mr. MacBeth:** This is still in the second phase: "(b) Essays. The applicant is required to write a paragraph or two on five designated job-related topics which are marked on the basis of organization, presentation, spelling and grammar." Now the last two would rule me out I know.

"(c) Two psychological, personality inventory tests; one the Minnesota multi-phasic personality inventory"—

**Mr. B. Newman:** We have no Canadian tests on that? We have to go to the United States?

**Hon. Mr. MacBeth:** "It consists of 400 true or false questions designed to reveal deviant behaviour, that is, depression, psychopathic, deviate, schizophrenia and paranoia."

**Mr. Reid:** We should give that to the cabinet.

**Hon. Mr. Snow:** No we should give it to the opposition.

**Hon. Mr. MacBeth:** Some of us might pass it; I am not so sure.

**Mr. Reid:** Not one of you would pass the paranoia one.

**Hon. Mr. MacBeth:** I must admit it is much tougher to get into the OPP than it is to get in the cabinet.

**Mr. Reid:** That's for sure.

**Hon. Mr. MacBeth:** "We receive a written personality assessment on the remainder—"

**Mr. Reid:** For obvious reasons.

**Hon. Mr. MacBeth:** "—in which the psychologist highlights his area of concern and identifies specific traits both negative and positive for our attention. Occasionally he will recommend rejection of a candidate usually due to some deviant trait identified through his assessment."

"5. Final review: When all areas of investigation and assessment are completed and received at the uniform recruitment section, the director of career management branch of the senior recruitment office will review the completed files on candidates, weighing their individual achievements in all phases against the total achievements of others being considered in the process."

"A decision is then made whether to accept or decline the applicant's offer of service having in mind the best interests of both the applicant and the force and in view of the relatively few positions we have to offer."

"Note: It can readily be seen that a candidate would seldom be rejected on the basis of psychological evaluation. Rather this information is used as a means of support in the assessment of other data compiled throughout the various phases of the selection process."

So members can see that the OPP have a rather sophisticated system, and I am sure most of the large municipal forces have a similar sort of assessment process. Some of the smaller forces, of course, are not quite so sophisticated; and exceptions, as I have said, are certainly made for the band constables in the OPP.

Now as to detective work, let me deal first with the number of convictions made. We had some discussion, as you know, the other night on the matter of convictions. I suppose there is some suspicion about a policeman who very rarely makes a charge. In other words that he is too soft or he is not doing his job. I can see a senior officer being suspicious when some policeman goes day after day without making any charges and other officers are making a good number of charges.

I am assured, however and I hope it is so—I trust it to be so—that that is not the basis upon which policemen in any of the forces are judged; that is, their ability to make charges and get convictions. The last time we were discussing this, the member for Parry Sound (Mr. Maeck) who has some police experience with the OPP, made refer-



ence to the fact that one of his senior officers advised him along the line that it wasn't how many convictions he made in a particular area, but the relative peace and security of the community that was important. Peace and security is often reflected in the attitude that the public do have towards the police, so am not going to find fault with what you are saying.

[9:00]

I agree with you and your hope that perhaps more warnings could be given. I mentioned again the other day how difficult it is, in a large municipality like Toronto, to go on giving warning after warning, because you don't know whether it is the same fellow who is setting you up on every occasion, unless there is some follow-up system to the warning. Maybe that is what we should try to target on, some sort of follow-up: "Operator so-and-so was warned about this offence on a number of occasions." However, that gets into a great deal of bookkeeping and bureaucracy, which we don't want to encourage either.

So discussing all of those problems, I hope we are striking a good balance, because I believe, as you are saying, on many occasions a warning is the proper answer.

You raised an interesting point when you talked about the way a Constable Murray, in your youthful experience in York North, used to handle some of his young people. I wish we could do more of that. I myself mentioned that the other day, but when you try to do that today you run into problems with a lot of the well-meaning citizens, and maybe some of the human rights people who take the attitude you have no right to examine a young person in that way. You lay a charge; you don't sit him down on a stool and say, "You sit there and you sit there."

I regret that, because I think that's the way it would be best to handle a lot of these young people instead of getting them mixed up with the family relations court with the problems and stigma attached to that. I wish the policeman could take a youngster into the station, give him a lecture of sorts, probably a little more tender than the member for Lakeshore (Mr. Lawlor) has given me tonight but along the same lines, and send him home.

But having done that, you as a lawyer know all of the problems you get into. What right did you have to do this to my child? Did you arrest him, was he charged with any offence? So sometimes society creates its own problems in dealing with that type

of case as expeditiously and perhaps as effectively as we would like to see it done.

I agree that statements are no substitute for a good detective ferreting out facts. I haven't had that much experience in the criminal courts. I am ready to accept what you say, that frequently if they can get a nice clean-cut statement it is easier to deal with it than going out on your own gathering the evidence, either by statements from other people or actually finding facts to piece the case together; so they will resort to the statement.

I hope our police are doing otherwise. I agree that if they do have an open and shut case on the basis of facts, it would be much quicker than trying to convince the judge of the proper warnings and all the rest of it, which as you know must be given when you rely on statements alone. I don't know what percentage of our criminal cases are handled with statements as opposed to evidence of another nature. I'm ready to take what you are suggesting, that too many of them are on statements.

I know the police are listening, not only the OPP but many of the others, and we will follow that suggestion up with them.

**Mr. Warner:** Mr. Chairman, I have two particular questions. I am assuming that the college deals in crowd control and I am wondering if some portion of that also deals with the use of horses in crowd control, if that method is still taught?

**Hon. Mr. MacBeth:** That question was so brief, Mr. Chairman, that it hasn't given me time to get the answer. I do know that there are very few forces across the province that have mounted units, although some forces do.

The answer is a negative nod, although I know that as far as Metropolitan Toronto is concerned, they have a good number of mounted policemen, and their course is extensive. I think that police college time is better spent on psychological training than in the use of horses, because so few units have mounts available.

**Mr. Warner:** I wonder then, in light of the minister's remarks, if he is prepared to make some statement to those police forces which have horses and are using them. I've had several experiences; one, in particular, is most vivid in my mind and the minister might recall it. That was during the Becker's strike in Scarborough where the use of horses, to begin with, was not in the least necessary; secondly, it was potentially dangerous to men who were on a legal strike; and in fact it became dangerous to the police.



One of the police officers sustained an injury due to the horse being there. What was so ludicrous about the situation was that the strikers were facing transport trucks. I just don't understand why it seemed to be necessary to have a phalanx of horses on the one side and transport trucks on the other, leaving the men who were on a legal strike in between.

Fortunately, through the issue having been raised in the House, the police the next day removed those horses; but to save face, of course, they simply put them on the other side of the road.

Again tonight, as we came in the building, the police were assembling horses out in the members' parking lot. I assume not to keep us in order—at least, I hope not—but apparently to be used over on Yonge Street later on if it's seen fit because of what has become the traditional party that's held over there among the gay community in Toronto. In anticipation of some potential difficulties they bring the horses out; ludicrous, absolutely ludicrous.

If the minister says that while it's not the kind of thing the college engages in, that there are more productive things to be doing in terms of training our police officers, perhaps that message should be made pretty clear to all of the jurisdictions within the province of Ontario, so that this practice of using the horses, if not eliminated completely can be brought under some pretty severe restrictions. Obviously, among other things, we can't be at all places at all times to watch what's happening, and unless people are monitoring these things the police use them indiscriminately. It's beginning to irritate. It obviously more than irritates those people who are unlucky enough to be on the scene when the police decide to use the horses. There must be a better way of crowd control than using those horses.

Could the minister make some sort of statement along those lines?

**Hon. Mr. MacBeth:** Mr. Chairman, all I can give is my own understanding, which I must admit I have received from various police authorities. Reading about the matter of crowd control—and I guess it's not just from police authorities; I think it's generally recognized that the best way you can control crowds is by mounted units.

I see them in operation at parades in Toronto when they're trying to keep people back on the sidewalk. Most people are intimidated by a horse, particularly when it stands much higher than the average person; you move back on the sidewalk when a big horse comes along beside you. You see police

officers trying to do the same work, and it takes three or four officers locking hands to hold the crowd back and do the same work that one mounted officer can do.

So I would disagree with what the member for Scarborough-Ellesmere says, that it's ludicrous to use horses in crowd control. My understanding is that it's the best way to control crowds.

You were mentioning that there were some assembling here tonight. I didn't realize that. I'm certain that it's not to look after the decorum in this House; it's probably for use on Yonge Street.

One of the members asked me earlier if the Metro police were taking sufficient steps to guard the safety of the citizens; those on both sides of that Yonge Street traditional party. I said I thought they were, did she want me to make some investigations? In any event, here the forces are being assembled and the suggestion from another member of the House is that perhaps that is not the best way to do it.

The police have a difficult role in trying to keep order. One of the safest ways to do it is with mounted units and I am glad to know that those mounted units are out there. I hope they won't be needed, but I think they will be far more effective than crowds of policemen or motorcycles trying to run up and down in front of that crowd. I think they are the best way to handle the kinds of crowds that they may have to deal with tonight.

**Mr. Warner:** Obviously we are going to disagree on the last point. A more effective way, it seems to me, where the majority of the circumstances now seem to call for the use of horses, is to simply outlaw strike-breakers because there is the source of the problem. That's why those horses were on the scene at Becker's and certainly at Sandra Coffee, as is going on now.

**Mr. Deputy Chairman:** I would point out to the member for Scarborough-Ellesmere that we are discussing Ontario Police College methods and I don't think outlawing strike-breakers is a policy under discussion. Crowd control would be, but not strikebreakers.

**Mr. Warner:** Thank you, Mr. Chairman.

I take it for the most part, between the comments that came from the member for Lakeshore and the comments from the member for York Centre, as well as some of the comments of the minister, that perhaps we are making some headway in trying to get a different direction, a different kind of philosophy about policing in Ontario. I am wondering if the minister imparts all of this



to the police chiefs across Ontario, and in what way.

I'll back that up by saying that the other day I was a little dismayed—now mind you it was a radio report; it was a voice clip and it may not have been the entire thing, perhaps I'm taking it out of context—but I heard the police chief of Metro Toronto listing all of the items that they are going to have to cut back on, the things that they wanted to add but won't be able to through the Treasurer's (Mr. McKeough) efforts in this regard. Out of the list of about 10 or 12 things—morality squad and fraud squad and so on—was missing what I would have thought to have been somewhere near the top of the list, and that is community relations officers.

As I say, it was a voice clip on the radio. Perhaps they didn't include all of his speech, but from the 10 things that I heard listed none of them was the item of community relations officers. Yet from the remarks that have been made tonight, both from this side of the House and from the minister, it would indicate that community relations officers particularly in Metro Toronto are a pretty desperate need.

How does the message that we have heard from the minister tonight and the comments that have been made—I take them to be constructive comments—by both opposition parties, how does all of that get imparted to those police chiefs around Ontario, so that we can in fact bring about some change in direction and perhaps a little shifting of priorities?

**Hon. Mr. MacBeth:** Regretfully, sometimes when the police are confronted with the hard facts of trimming their budget the community programs appear to be the ones they look to first. I suppose it's a simple answer. If you are a police chief and have people complaining that the urgent calls that are made to the police are not answered, or it takes too long to answer them; or that there are traffic snarls on the highways or accidents involved; they are concerned with the matter of hard policing and they say those are the services that I have to continue. The community relations programs are something where it is a little more difficult to see the day-to-day advantages. Their tendency might be to say, "Cut the community relations programs."

[9:15]

I didn't hear the tape you referred to. I don't know whether it was taken out of context or not. Not with reference to Toronto but certainly to some other municipal forces around. I know that when curtailment of expenditures are asked for, very often that's

where they look. I don't want to call them fringe services because I don't regard them as such, nor does the police college regard them as such, but I'm afraid when the choice has to be made, sometimes that's where the chiefs look for their curtailment and their savings.

There was another part of your question. How do we communicate this to the various forces? Our communication is through the Ontario Police Commission. We have no power to direct the various municipal forces and to tell them they shall not cut community relations officers. We can, through the Ontario Police Commission, tell them our concerns about it, but only by way of suggestion and not by way of command. If that's where they want to cut, that's up to the local politicians. We'll have to give them guidance otherwise, as well as the other suggestions we may make to them.

**Mr. Warner:** I might say to the minister that when he talks about the police force having to make a choice in terms of where they are going to cut when the money gets a little scarce, the automatic first place to cut may be the community relations officers. It seems to me there are a couple of reasons for that and I think it's something to which the minister can direct himself.

**An hon. member:** Who is that person in the Pierre Trudeau mask?

**Hon. Mr. Henderson:** He is in the right place.

**Mr. Stong:** Who is that masked man?

**Mr. Warner:** Did the minister do that as a distraction?

**Mr. Chairman:** Order, please.

**Mr. Reid:** It's part of a horse.

**Mr. Warner:** Maybe that's what the horses are out there for.

**An hon. member:** Which end of the horse?

**Mr. Warner:** He might as well be here. He's not doing much good in Ottawa.

**Hon. Mr. MacBeth:** I don't think he is one of my friends.

**Mr. Walker:** I don't think he is a member.

**Mr. Chairman:** Will the member please continue?

**Mr. Warner:** It seems to me there are two particular things and it requires some direction from the minister and the minister's office. One is in terms of the philosophy which has to come out to those police chiefs and the second is in terms of the content of the courses at the police college. I have spent some time working with community relations officers both in my riding and outside and I



have spent some time working with local police officers as well. There is a feeling—I don't know how widespread it is but I think it would be fairly common—that somehow the community relations officer isn't a real policeman. Somehow because he's not in a uniform, because he's working with youngsters and because he's trying to keep kids out of jail and keep kids away from being arrested, he's not a police officer.

In fact, I recall one extremely good community meeting where we had the community relations officer, plus a detective there. The community relations officer described himself as "I'm the guy to keep you out of jail, and this is the guy who is going to put you in jail." It's from that very strain that's there, that very tension that those men—and I assume there are some women doing community relations work—get the feeling that they are not really a part of the police force, that they're not really as good a police officer as the ones in uniform.

Now it seems to me that there are two ways in which you can help to overcome that and in so doing say to the police captains that this should rank a little higher on their list of priorities. One is by taking a different look at it in the curriculum at the college, putting it a little higher on the list, putting some more importance behind it, maybe offer it as a specialty. That is sometimes the way they do it in other lines of work. You single it out as a specialty and you ask someone to take it up and give them some extra remuneration.

Perhaps another way is to try to convince the Treasurer that some extra dollars should be provided for police forces which hire community relations officers. In other words, exempt them in some way from the normal budgetary restraints based upon population. If you have a certain size population, you warrant so many community relations officers and those will be paid for directly by the province.

I think there are different avenues for you to explore. Those police forces have to start changing their attitudes, and they have to start moving in a more positive direction so they don't always list community relations officers at the bottom of the list. Those people do some pretty important work. As I mentioned before, having worked with community relations officers I do know the kinds of valuable work that they are able to achieve.

You cannot count up the number of youngsters who don't end up in jail because they encountered a good community relations officer, and realized that. It is difficult

to measure the worth of those officers. It is extremely important.

As my very last question of the minister before I finish, I would like to know how many of applicants to the college, how many of the students who come in are female and how many are male? And of the instructors, how many are female and how many are male? Have those percentages—not the numbers so much, but the percentages—changed very much over the last five years? In other words, how does the government's affirmative action—or it could be viewed as affirmative inaction—that is rampant in most ministries apply to your ministry?

**Hon. Mr. MacBeth:** Insofar as community relations goes, I don't believe it necessarily requires a reply. I agree in a great deal with what the hon. member for Scarborough-Ellesmere is saying. I think community relations work is important. We should be trying to prevent crime in the schools and in any place we can find it. They are not only dealing with the prevention of crime, they are dealing with matters of safety on the highways and all the rest. So we will do what we can in that respect.

You have suggested that we should gauge our grants accordingly. As you know, the municipalities are asking for fewer strings, fewer conditions attached to our grants, and that is the policy we have been following. I am not so sure we want to get into conditional grants in the field of policing, but we will have to do what you are asking by way of persuasion and request rather than by way of direction from the Solicitor General.

But those are important subjects in the police college and they will continue to be identified.

You asked for definite figures in regard to the number of male and female applicants. I find that those figures are not available to us tonight. We will get them for you. The same applies to the matter of instructors. I might ask if we have any female instructors on the staff at the present time? None?

**Mr. Warner:** Not even a token?

**Hon. Mr. MacBeth:** We have two Waterloo students who are teaching in the physical education area. There are many women on the staff in the office, but that is not what you are asking about. You're asking about instructors. Whether two is an improvement or not I can't even give you that answer tonight. But we'll send that information over to you or have it by next session.

**Mr. B. Newman:** Mr. Chairman, I don't intend to be lengthy but I did want to ask the minister if he is giving any consideration



to increasing the number of individuals from various ethnic groups applying for positions with various police forces. We do live in a period where our society is multi-lingual, multi-national and, also, multi-discriminatory. Is the minister considering giving some type of recognition so that we could increase the number of individuals who speak more than simply English and/or French in police forces?

**Hon. Mr. MacBeth:** The answer is yes. We have suggested to the various police authorities across the province that their forces should, as closely as possible, represent a cross-section of their community. That creates some problems in trying to meet the standards that we discussed earlier; not all applicants can meet the standards. Some forces have made exceptions to their standards in order to accommodate the new Canadian population. But we feel that they're got to hit a balance between maintaining reasonable sound standards and the cross-section that we talked about.

**Mr. B. Newman:** Would the minister consider advertising in the various ethnic groups' papers to encourage the new Canadians to apply to some of these forces? I would assume that the selection of them is "all things being equal."

**Hon. Mr. MacBeth:** I think we could do something along that line. It's difficult for us to advertise for the municipal forces because of their wide standards, but we might publish a few general advertisements along that line in the ethnic press to consider policing as a career, or something along that nature.

**Mr. Roy:** I just wanted to make a brief comment following some of the comments from my colleague from York Centre and the reply by the minister.

I can recall, and I guess the minister will too, going back three, four or five years, when we talked about specialized training and the type of training that the police should be getting and the type of courses that would be in the best interests of a well-rounded police officer. I'm glad to see that some of the suggestions that we made in the past are a part of their training.

My colleague was talking about encouraging police to give warnings rather than lay charges, and I think he made a good point. I appreciate that it's very difficult, especially when there are fewer and fewer small towns, with more regionalization of people in large urban centres and things of that nature. That becomes much more difficult to do because there's less proximity, people don't know each other as well. As the minister

has pointed out, very often there's a feeling in the community that if the police come around, people who are on a civil rights or human rights kick say to the police: "If you're going to lay a charge, lay a charge and, if not, leave me alone," or "leave my kid alone."

I frankly think that there has to be a change of attitude. I feel as one who represents a community that the pendulum has swung just about as far as it can go when you get to the protection of the individuals, the different guidelines that we've set up, the different laws for the protection of the individual, and things of that nature.

[9:30]

I would think that with proper leadership on the part of government, and on the part of the police officers, that the general public and the parents will appreciate more and more somebody taking their kid aside and saying: "What are you doing here?" or maybe even discuss with the parents what is happening. Undoubtedly there is a feeling and I think there is a trend, even among large police forces, to try to establish a presence within areas so that there will be some relationship between the community and the police officers who are patrolling it. I appreciate that's more difficult.

Very often in some of the large urban centres the only time anybody sees police officers is in a police cruiser because the policeman on the beat is no longer around. I am talking about suburbia, where people have to get around in cars and the relationship between the police and the people who are supposed to co-operate to ensure the safety of the community is more difficult. I think it's important that we take leadership, that the ministry take leadership and that police officers are encouraged to take leadership to convince parents that very often the police officer having this type of talk with the young lad or young lady, or with the parents, is in their best interests in the long term. The police officer shouldn't always be forced into a situation where he has to write a ticket, lay a charge or things of this nature.

As a parent of some young people myself, I would really appreciate it if the police officer came over to my place and told me about my son or daughter who was out breaking windows or doing things of this nature. Similar things happened to me when I was a young lad back in Saskatchewan. My colleague was relating an experience that he had when he was working for Hydro in the summer. I can relate experiences back in Willow Bunch, Saskatchewan, where the



RCMP detachment was right next door to my place. We used to raise hell, and the police sergeant would come over every morning to my mother and say, "What problem did he cause last night?" and he would take me aside and say, "What the hell are you doing wasting your time around here?" and that sort of thing.

It seems to me that we have to look at a sort of a different approach. I appreciate what the minister says about there being a danger. There's not only the danger of the parents saying, "Lay a charge or leave my son alone." The other danger is that giving a warning or laying a charge is sort of a value judgement which can be questioned by certain people. They say, "You give a warning to the son of Such-and-such because he happens to be your friend or a big shot and you just lay a charge against the son of Such-and-such." I think that's one of the pressures that are on police officers, that you don't take chances and you lay charges against everybody.

I think we have got to go back to some of these old values. The pendulum has swung about as far as it can go in terms of us saying we have to regiment every action of police officers individually within a code of civil conduct and everything else. The time has come when we should look at some of the old values and take leadership here and say: "The police don't have all the answers. The police can only be effective if they get the co-operation of the community."

I appreciate that it's going to require the leadership of a lot of organizations, institutions and individuals to get that, but I think it can start with the police. I think we should emphasize that sort of approach more and more today because, as the minister himself knows, funds are not unlimited even for his own Ontario Provincial Police force and it's going to be awfully difficult to put more and more bodies out there. We are going to have to make best use of the resources we have, and one of the ways of doing it is to encourage that type of co-operation. With this type of leadership, maybe we will educate a few parents as well, because some of them need educating.

I would like to say that I found the comments of my colleague interesting. As the minister has stated, there are a few problems in doing that, but I think the increased emphasis in the future will be that more and more people will realize that governments don't have the answers, just as they realize that police officers don't have all the answers. He is just one poor individual out

there in the community, and he can't do it all by himself. He needs the co-operation of the parents, just as he is going to need the co-operation of the judges, the courts and everyone else working within the system. But I think leadership is essential, basically because the police officer is one of the more important and visible individuals within the community, and it's important that we start there.

The other thing I wanted to ask the minister deals with the Ontario Police College. The minister can correct me if I am wrong, but I don't see anything in the Ontario Police College dealing with the training you have established. The Ontario Police College is to establish sort of a standard for police forces and police officers across the province, increasingly, more and more women are becoming a part of the police forces—is there any place in the Ontario Police College where women get training? I don't see it any place in your book. Maybe the minister can point it out to me. Do we have the sort of facility where we can give the same training to women police officers as we do to the male police officers?

If you will permit me, Mr. Chairman, having asked the question, I would go a step further. It's important when we have established an institution like the Ontario Police College, which sets minimum requirements of excellence or training across the province, that we take leadership from this level as well through the Ontario Police Commission with regard to standards for individuals within the forces. I am not talking only about standards of excellence in intelligence or training, or grades in school, but also physical standards. I thought standards of height and physical requirements were the same for all police forces across the province; I am told they are not.

It would appear the Ontario Provincial Police, and I think Metro police and many of the other police forces, are ahead of the Ottawa police forces which apparently still have the five feet eight inches requirement which establishes a more rigorous standard for women than most other police forces. I am talking about a standard across the province, and this is something that should be looked into.

As much as I value the Ottawa police force, and I have many friends there, I think they have a position which is indefensible. Why would they have a higher standard? I guess there may be more male chauvinists on that force than some of the other forces across the province.

But I would like you to advise whether



you are going to take steps to establish uniform standards and whether you have any facilities or institutions to give the same type of training to both male and female police officers.

**Hon. Mr. MacBeth:** The hon. member for Ottawa East raised two subjects. The first, this matter of warning and a return to some of the tried and true methods of policing practised in our younger days, certainly in my younger days. I can't say much about it but, amen; I agree with what he is saying. I will ask the forces to consider these methods. I think it has to do with the community approach we were talking about earlier—getting the police into the community, the schools, the home and school associations, service clubs, and organizations of this nature.

It will take public understanding of what they are trying to do. Certainly, it is an approach that has my endorsement. I only wish we could do more of it without being met by a lot of people who say, "I am going to stand on my rights," and not look at some of their responsibilities as parents and individuals.

You asked about the standard of training for the various forces. I understand the standards at the Ontario Police College are the same for everyone after they enter. In other words, they all must pass the same examinations and I gather even the women must pass the same type of physical test the men go through. The Ontario Police College at Aylmer does handle women recruits and they are taking the same training the men take both in the classroom and in the physical exercise.

The last time I was down to a graduating class the women were in that precision squad marching. It was a treat to see them step out with the men. As far as smartness is concerned, they're every bit as capable as the men when they're in that precision squad. It consists of about 30 people. I think the last time I was down there about five of them were women. They were every bit as smart and sharp and as able as the men in that squad. They go through the same tests and all candidates must pass the same examinations.

Dealing with Ottawa, I think the hon. member for Ottawa East may exercise greater influence around this House than he does with the Ottawa police force. They are still free to set their own standards and they do. Ottawa seems somewhat more reluctant to vary its standards to try to accommodate the women than most other forces across the province. We have suggested to them from time to time that they should do so. I have

had some correspondence with them in regard to the matter and some people have written to me in connection with complaints about the standards of the Ottawa police. As long as they are free to set their own standards as they presently are, they don't have to listen to us. At the present time, they are not listening to us in the matter of the recruitment of women.

**Mr. Roy:** Just to pursue this point, I think in Ottawa it's five feet 10 inches, isn't it? I said five feet eight inches but I think they require five feet 10 inches, whereas the Ontario Provincial Police and other forces have adopted a five feet four inches minimum height for women. I would think maybe we should push them. I hadn't realized that there was such a discrepancy. Secondly, don't you think you should consider that the standard should be uniform across the province?

I understand the necessity of having some flexibility that responds to the requirements of that particular community. But do you think that should be one of them? Would that be trampling on something when you're talking about something as basic as that? I think there's very little doubt that a police force which continues to have the requirement of five feet 10 inches is eliminating—what would you think?—80 per cent of the women in this province?

I'm looking at my colleague from St. George, a very capable gal. She would be eliminated from being a member of the Ottawa police force.

**Mrs. Campbell:** Thank you. I haven't volunteered.

**Mr. Roy:** She'd make an excellent police officer, I'm sure, had she not decided to pursue her career with such excellence in other spheres. The point I'm trying to make is that it would appear that when you have that sort of standard it is discriminatory. It seems to me that if the Ontario Provincial Police and all other major police forces accept five feet four inches, nobody is going to convince me that their standards of excellence or their efficiency as a police force are diminished by the fact that they've lowered the standard to accept the reality of today that women are accepting their place at all phases and at all levels of society.

Maybe we should put more pressure on them. I hadn't realized they had been in touch with you and that you had corresponded with them. In your answer, you said you suggested they look into that. For all intents and purposes they have disregarded your suggestion. If that is the case, it would appear that maybe we'll have to raise a bit



of hell in Ottawa. Maybe we haven't done enough.

[9:45]

I didn't want to do anything about it in Ottawa until I had, in fact, talked to you to see whether you had any views on it, whether you had any correspondence. If that is the case, I would say frankly, Mr. Minister, that you should get in touch with Ottawa and say if they don't feel on their own that they want to change their standards—because we consider that standard to be discriminatory towards women—if they don't want to do it, we'll change it for them. I think that is the type of thing the community could see was not a bad approach to take with them.

**Hon. Mr. MacBeth:** Of course, if there are any kinds of standards at all they become discriminatory, whether they are intelligence standards, whether they are academic achievements or whatever they may be. I have been in touch with the Ottawa police through the chairman of the Ontario Police Commission. His memorandum to me—that is, the memorandum from Elmer Bell back on September 8 in regard to a particular case and since that time I have been in touch with Chief Seguin of Ottawa—advises me that the regulations of the Ottawa board have always been quite firm in connection with height.

Until World War II the height qualification was six feet. To accommodate some returned men who were excellent prospects, the height qualification at that time was reduced to five feet 10 inches. So if they could reduce it to accommodate some veterans maybe they can reduce them again to accommodate some women.

In the meantime, I think that one person who has written to me has probably appealed to the Human Rights Commission and they may be looking at it at the present time. But, we will be glad to urge Ottawa. I think a few women on that force would be an attribute to them and I would like to see, as you are suggesting, that they make it possible for women—or more women, I guess there are some women who are six feet, I know there are some women who are six feet but I guess there are not that many six-foot women who are applying for the Ottawa police force. I would like to see them lessen their height standards for women so that more could apply.

**Mr. Roy:** I might just make this comment, Mr. Chairman, to the minister. I am told in Ottawa there are only six of the force of 586, in fact, who are women and they have been there for quite some time. Chief Seguin is a

nice fellow, a good fellow. I get along well with him. But he is a former football player and I think he dates from the days when the only fellows who were on the fire department and the Ottawa police force were either the hockey players or the football players.

**Hon. Mr. MacBeth:** That kind of discrimination.

**Mr. Roy:** It was a tough go for him. I'm surprised he didn't put a weight requirement in there and say that the guy had to weigh 225 pounds. In any event, I think that you and I, Mr. Minister, can work together on this. Obviously that has got to be changed because it is certainly discriminatory.

**Mrs. Campbell:** Mr. Chairman, I would apologize in advance if I am being repetitive. I've been pursuing other duties and missed some of the debate this evening in the House. I, too, wanted to speak to the matter of the community cop in Metropolitan Toronto, and I have to express the opinion that in my view it is one of the most backward steps which has been taken by the commission.

Is the minister aware of the fact that this particular group is the group which has in the past and was proposing now to carry on seminars with the Human Rights Commission as a result of what is deemed to be an increasing violence in the racial tension in our community?

If he is not aware, I would hope that he would discuss the matter with the Human Rights Commission, because if there is anything we need in our community today, it's people who have the expertise in human relationships, working with the community who can at least dissipate some of these problems for our cities. To think that this group would be the very group that is under the gun at the moment is totally incomprehensible to me if one is concerned with the broader issues in such a community as we have here.

I suppose the next people we will lose will be our cops who patrol beats, because we do have them in Toronto and I believe that the experiment has been singularly successful. We have them in certain areas of downtown Toronto and I would hate to see them go too, to see them all get back into cars and continue this somewhat difficult chore of trying to keep order from the cars.

I'm pleased that the question of women in the force has been raised. But while I thought Toronto was very much ahead of the rest of the communities in Canada—and we have a magnificent woman in Fern Alexander in charge of the youth bureau which



has been, as I see it, somewhat eroded—with the community cop perhaps now being removed, the men on the force will renew their battle for extra wages because women in their opinion are not performing all of the functions which they perform. That has been an ongoing battle. Has it been resolved or are we still facing this from time to time?

I don't know how the police are to look after a city like this, but it does seem to me that if you have a force, and if this government is concerned about racism, about the type of violence that we see, perhaps the minister himself might intervene to see if there is something that can be done to enable us to keep the community cops who really are tremendously useful in various areas. They really bring a very human element into the community. Some day, perhaps I'll be able to submit to you some examples of the sorts of things that I have been acquainted with, things that they've done in the community which perhaps go quite beyond what we see as a police function. Yet it is of tremendous usefulness to the medical profession and others in the community.

It seems to me that we have to try to stop departmentalizing and compartmentalizing our activities. Perhaps we should, in co-operation, take a new look at what we are talking about, so that we can try to prevent some of the things that are happening.

Your colleague has made reference to the increasing incident of violent crimes by women. This, of course, may be that they have been so brutalized by the failure of the various governments to recognize what is happening to them in our society. Yet again, we are compartmentalized into what we could do. As I pointed out to the Minister of Community and Social Services (Mr. Norton), perhaps some of them are becoming violent because they are battered themselves. They are starting to retaliate.

But if you have the kind of service that is represented in the community police officers. I do believe that we can make great gains in the understanding of people as to the whole function of the police.

I would ask the minister if he would be prepared at least to have some discussions with the police commission in this city to that end, expressing to the commission our concerns here in the loss of that particularly important element in the police force.

**Hon. Mr. MacBeth:** I don't know that that decision has definitely been made by the Metropolitan Toronto Police Commission. I

gather it was just one of the alternatives that they may be considering.

**Mrs. Campbell:** All the more reason to talk to them.

**Hon. Mr. MacBeth:** But I will be quite pleased to speak to some of the commissioners and ask them to give careful consideration to that. I see a bit of an inconsistency here, when this is a decision that the local politicians can make. The suggestion all the time is that we should be giving local politicians more control over their force and that the province should not have quite so much to say in regard to those who run it. At times like this, and with reason, you are suggesting that it should be the Solicitor General who gets in and gives them some guidelines and instructions as to who should qualify to be police officers and also in what fields they should put their emphasis.

It does remain with the local commissions to make these decisions at the present time, but I am not averse to making my views known to them, and certainly discussing the problems, and I will do so with the Metro people.

I think I commented on police women the other night, but the hon. member for St. George was probably not here at the time. There is no question that police women on the force serve a very useful function. But many of the police chiefs just feel that they cannot assign to them all of the same duties that they assign to their male members of their forces. I accept that and I think it is with reason.

The police officers—and when I say officers, I am referring to the senior officers on the forces—are quite protective of the women on the force. They feel, I guess, sort of a father's responsibility to a daughter rather than as one man might feel toward another man. I can understand it and I think it is commendable and I think it is good. So that if it is a situation where violence is at all likely, they certainly do not want to send a woman into that situation alone. In some circumstances they are even loath to send a male officer supported by a woman officer.

So there are those practical realities involved. Certainly I am not critical of the senior police officers who take that attitude because I think it is commendable and one that they have to use great discretion in. So, there is much room for women in police activity in the force but I am not so sure that it is 100 per cent. That is not the right way to put it—I think there are places where women can better serve than men, but I



still believe that there are some places where men can serve better than women. That is one of the realities of police work.

[10:00]

**Mrs. Campbell:** Following the statement by the minister, I recognize what he has said. Yet, if one looks at the type of police work that women are asked to do in those very areas of mugging, violence, prostitution, all of the aspects of organized crime, I feel very strongly that it isn't quite accurate to say that they are not sent in, because they are very suited to the type of investigation that you want to carry on in areas of organized crime. Those are not easy assignments and they certainly are fraught with great danger.

I think we ought to be very clear in what we're talking about when we say that we should be protective of women and all of this. Women are applying to get into the police forces. It seems to me that if they have an explanation on what they may well be up against then that is the degree of responsibility to them.

I would think that with this sort of an attitude one could say that, perhaps, promotions would not be very readily available to them. When the minister is getting the other information, we might take a look at their standings in rank in the forces across this province and what kind of progress they are able to make in the force.

Perhaps that would give us some clues as to what is happening with the police.

**Hon. Mr. MacBeth:** As I said, there are certainly some positions that women can fill better than men. When I say that police officers are protective, I think that when they are in some of these potentially dangerous situations, they are pretty closely guarded, as would a male officer be. They are kept in pretty close contact and, similarly, a male officer would be given the same kind of protection. But when you're looking at a barroom brawl, I think someone my size might be a little more suitable to go in to help quell that than somebody a little bit smaller.

**Mrs. Campbell:** I wouldn't take that for granted.

**Hon. Mr. MacBeth:** However, as far as women are concerned, they have certainly shown that, apart from their stature, they certainly don't lack any courage and they have every bit as much courage to take on some of these jobs as the men have.

**Mr. Bradley:** First I would like to make a comment on the line of questioning that

the member for St. George has pursued and a brief comment in conjunction with what the minister has had to say.

No doubt, he is aware of a particular difficult situation that arose in the regional municipality of Niagara where one of our female officers was subjected to a rather savage beating after arriving on the scene of a break-and-enter. She attempted to hold onto the individual who had committed the crime and was beaten with—I don't know whether it was a lead pipe or some instrument of that kind.

She did receive a recommendation for some kind of medal or some kind of distinction which, it would seem to me, did very little for the damage done to her appearance and to the physical state of her body on this particular occasion.

So I can understand why police forces would be rather reluctant to move very quickly into specific areas with the use of female officers. It's probably very easy to criticize this lack of application of the female officers except when we face some of the realities which you have already mentioned.

My question, though, deals with the police colleges and I'm looking for information here. My first question would be, is there any kind of compulsion for municipal police forces to send potential officers to police colleges? Is there a requirement for that?

**Hon. Mr. MacBeth:** The answer is no.

**Mr. Bradley:** Do you have any plans for that kind of a requirement in the future?

**Hon. Mr. MacBeth:** In the future, yes. I would think we would come to that. At the present time we still have in this province some very small police forces. Some of them are three- and four-man forces so you can understand if we forced one person from that size force to go to police college it would make quite a dent in their strength.

At the present time it is all by persuasion, but I can see, as forces get larger and some of the smaller forces disappear, that training will be compulsory. I would think, however, that it would not need to be that because most of the large forces want to take part in it and readily comply where their size and budgets permit.

**Mr. Bradley:** Who would pay the cost for the tuition for a police officer of a regional or city police force to attend the college, and how much would that tuition be?

**Hon. Mr. MacBeth:** The province of Ontario pays for tuition and travel but the salary of the man or woman during the time of the training is paid by the local municipality.



**Mr. Bradley:** In the light of the fact that the municipalities are facing difficult times, financing various areas of their activities through the property tax—which we recognize as being regressive—are you giving consideration to paying the salaries of those officers at the particular time?

**Hon. Mr. MacBeth:** Certainly not at the present time, and if we listen to the Treasurer, as some of us on this side do, it might be assumed that the municipalities are not having such a tough time with their financing as the province itself is having. They seem still able to afford some of the luxuries which the province is trying to curtail. I am not sure that the municipalities are under any greater stress at the present time than our own provincial treasury.

**Mr. Bradley:** Well, Mr. Chairman, I will just disagree with the minister on that and not get into a debate.

**Mr. Chairman:** Shall item 2 carry?

Item 2 agreed to.

On item 3, Ontario Police Arbitration Commission:

**Mr. Blundy:** In speaking on this item, police arbitration, I will be very brief, but I do want to put forth to the Solicitor General a view on police arbitrations that is held by many municipal people—and former municipal people. Over the past few years, we find that many of the police associations are only too ready and willing to go to arbitration. We have seen instances in the past—and I am sure that the Solicitor General knows of such incidents—where a police commission may offer an eight or 10 per cent increase. The police association is, perhaps, asking for a 10 per cent or a 12 per cent increase, and after practically a year of talks it goes to arbitration; an arbitrator is appointed and they come back with 14 per cent.

What I would like to see done—and I know that this is something that many municipal politicians have asked for in the past—is that the Ontario Police Commission would appoint a panel of trained arbitrators, arbitrators who have some background in salary negotiations, some background in labour laws and so forth.

What happens is that a man is appointed—it used to be judges or retired judges, although I understand that it is not the case now—and all he is interested in is having the arbitration hearing, making a settlement and getting his fee without any regard to the municipality that is going to have to pay the bill. Many of us have said all along that public service salaries have led among in-

flated settlements made in this country during the last few years, and this has been the case, I think, under the present form of arbitration. I believe that we must have arbitrators but I am asking that the Solicitor General consider setting up a panel of arbitrators who are trained to do the job and to do it to the best of their ability, to look after both the police association and the police commission and, consequently, the taxpayers who are paying the bill. There is a great deal of work that can be done in this area because there are more and more arbitrations, more and more police associations going to arbitration all the time.

I would be very pleased to hear what the Solicitor General has to say about that and what is planned in the future.

**Hon. Mr. MacBeth:** There are two possible procedures for the police associations and the police authorities to follow when they come to an impasse. The final step is arbitration and that is compulsory. All in all, I think it is working very well. Naturally, when arbitration is compulsory, it has a tendency to be more generous than if a strike was the alternative. It is probably the associations who benefit from the fact we have arbitration, because generally, some sort of compromise is made.

However, more recently, we have been using with a high degree of success, a pre-arbitration procedure of conciliation. We have been helped in this by the anti-inflation controls, because the police associations know what their limits are as far as the Anti-Inflation Board is concerned. The conciliation officers have had a great deal of success in settling many police impasses in this way. I am pleased with that.

Of course, some of them are still going to arbitration. That is the second procedure which can be followed and, of course, is final.

You suggested setting up a panel to hear these arbitration matters. That is, in effect, what we do have. We don't have any permanent arbitrator at the present time; we do have a panel of nine people, who have heard various arbitration matters for police during 1976. They are: Professor G. W. Adams, Dr. A. P. Aggarwal, Professor P. G. Barton, Mr. Kevin Burkett, Professor Gail Brent, Professor D. D. Carter, Professor R. H. McLaren, Professor J. W. Samuels, and Professor K. P. Swan. That is exactly what the Police Arbitration Commission does. It seeks out qualified people, and sets up a panel of arbitrators. The arbitration commission meets from time to time to go through this selec-



tion procedure. Then they say, "Yes, we will accept certain people," and I have read off the names of some of those who have been accepted and have been doing that arbitration work.

What we don't have at the present time is a full-time arbitrator. We are getting along reasonably well without one. A lawyer by the name of George Ferguson used to do that work. George was appointed to the bench, so in the meantime, we are getting by with a panel of part-time arbitrators. I think it is working very well.

**Mr. Bradley:** Mr. Chairman, along the same line as the member for Sarnia, one of the problems in the appointment of arbitrators—and you mentioned some very competent and experienced individuals—is that these arbitrators are usually people from the upper income brackets who are used to living at a particular level in terms of their income and benefits. Therefore, they are more inclined to be generous in their awards.

If you were to get a person, for instance, who worked as an industrial worker in a small plant in one of the towns or cities of Ontario, I wonder whether he or she would be as quick to make these kinds of awards.

Secondly, I see a number of professors on that particular list. I am not opposed to professors, but I wonder whether we are top-heavy with academics in this group. It seems to me we need arbitrators who are familiar with the ramifications of the awards they are going to make; the financial ramifications and the operational ramifications. This again seems to be one of the problems.

[10:15]

I heard mentioned as well, somewhere in the conversation, what happens when the AIB is removed. There are a lot of people, some in this Legislature, who are itching to get rid of the AIB. But commissions and municipalities are fearful of the removal of the AIB because they know, even within the awards that have been made, they were at the upper limits of what the AIB permitted. I think we can all envisage what's going to happen when that's removed and everybody thinks that somehow he has to catch up.

There are a couple of areas where I'm obviously being repetitive of what's happened in the past here. One of great concern to police commissions, obviously, is that of the two-man patrols, in instances for instance where they may be on from 7 in the evening to 7 in the morning—something of that nature—when really the prime times might be between 9:30 at night and 2:30 in the morning. It seems that arbitrators have made

decisions in this particular area and the commissions have been stuck with them, cutting out the flexibility that they have and increasing the cost they might experience.

A second concern would be arbitrators' awards which call for an equal number of men in each squadron there may be within a regional police force. I don't know whether arbitrators have anything to do with OMERS or not. Perhaps OMERS is outside the arbitrators. This is a third concern. I know that what those who are financially responsible on commissions would be concerned about is the unknown costs or the increasing costs of financing OMERS. They would be very concerned about that.

I look at those specific areas and see them as being potential dangers. I also see problems in negotiation, before they even get to arbitration. I think this is important as well. I'm diverging a little bit, I recognize, from the arbitration itself, but I point this out because it has to do with pre-arbitration. I am referring to the makeup of the commissions. It seems evident, even to those who in the past thought that having a majority of appointed members was reasonable, that now we do need a majority of elected officials. For instance, where we have a five-man commission, at least three of those members should be elected officials who know the financial ramifications of decisions which are being made and, therefore, in the negotiating process are perhaps more fiscally responsible than those who don't have to answer to the electorate at any particular time.

Commissioners, I know, are concerned not only because of arbitration, at the fact that they are losing control of the expenditures for policing. The Police Act gives the chief of police wide authority to make decisions which have an increase in expenditure. Without even arbitrators having to make these decisions, the chief of police himself seems to have a lot of ability to make certain decisions under the Police Act which are going to result in increased expenditures. We all know that this comes into arbitration, but we all know that the chief of police in any particular area looks at the finest features of other municipal police forces and wants those for his police forces, just as I'm sure the members of the police association look for the best features in other areas and try to put those features before arbitrators as being absolute necessities instead of something that's desirable for particular areas.

I won't beg the Chairman to be as tolerant as to allow me to get in a plug for getting judges off the commission, because I



realize that would come in another vote. But I think we recognize the conflict of interest, nevertheless, that a judge would have in serving on police commissions. I won't mention where, but there are some examples where it is obvious there is a need to have someone other than a judge serving.

The last point I would make in this regard, and I don't know whether it would come within the parameters of an arbitrator or not, is the fact that the chief of police has a staff under him that deals with financial administration. It has been suggested by some that perhaps this financial administration should come under the jurisdiction of the regional municipality, for instance, using their particular staff.

I make these suggestions and ask for any comments you might have on the points I've made.

**Hon. Mr. MacBeth:** My reply will be short. You suggested we have too many professors on there. The problem is to get arbitrators who are satisfactory to both sides. Sometimes you can find a lawyer who is acceptable. Sometimes you go to the academic field. If you went to, say, management, the associations would not be happy. On the other hand, if you went to somebody closely associated with the police associations, the police governing authorities would not be happy.

So it is a case of trying to find people acceptable to both sides, and believe it or not there are not so many of them around who do have those qualifications. But I agree, we should try to enlarge that list and get it more diversified.

It's interesting that the member for St. Catharines commented on two-men cars. I think many people, both inside and outside police circles—and police officers themselves—are now questioning the value of two-men cars for a variety of reasons; some of which you mentioned—the lack of flexibility, and safety. We've heard that sometimes when police are in the company of another police officer they feel they have a sense of security they shouldn't have, where if they were alone they approach all situations with caution. If they have somebody with them, sometimes they don't use as much caution. So even on the matter of safety it's being questioned.

At the present time, you're looking at Metropolitan Toronto. I shouldn't say this because I don't know what their arguments are, but I assume they are saying that since they are stuck with the two-men cars they can't lower the number of patrols there so they will have to look for community officers. I am glad to see that the member for St.

Catharines is raising that point and questioning it.

Just one more point on arbitration: Generally you find that the associations, because they have specialists for their counsel, come into these arbitrations better prepared than do the various municipalities.

The municipalities have a counsel who is generally dealing with many facets of municipal life while the police—and the same applies to fire as well—come in with specialists in the field who know all the arguments and who have presented them many times. So with a little more preparation on the part of those representing the municipalities, or if they dealt with more specialists in the field, they might have better success before the arbitrators and enjoy some of the success that the associations, both police and fire, are at present enjoying.

**Mr. Stong:** Mr. Chairman, I would just like to address myself to two areas on this particular vote.

As I understand it—I am making an assumption here—in the event of an arbitration there probably would be three persons in attendance: the chairman, a person representing the municipal police governing body and a person representing the police force. In your support material for these estimates you indicate that besides the chairman, there are two commission members who represent municipal police governing bodies and two members who represent police forces.

I am wondering if, in fact, there isn't a type of built-in conflict of interest in this particular makeup in so far as all of these persons are paid from the same trough and therefore owe their allegiance to the same branch of government. In that area would it not have been better to have this arbitration commission—which I assume is the body to determine arbitration—selected, except for the chairman, from appointees at the time of the arbitration from the respective fields and thereby avoid any suggestion of conflict of interest that may arise?

The second point I would like to raise on this particular vote is: When the arbitration committee sits down to make a determination, what is the policy or what are the guidelines it uses to arrive at that decision?

You mentioned too the strike or conciliation. I am not convinced in my own mind that the day and usefulness of the strike as a vehicle for determining anything have not passed and that the strike movement has not outlived its usefulness. It seems to me that perhaps in this day and age and with the needs of society, we should consider other vehicles for settling disputes.



I'm wondering if some of the guidelines for the arbitrators would be the same guidelines we set down by legislation in this House for the teachers' strikes in terms of final-offer selection so that each party presents its own package and the arbitrator then determines which complete package meets the needs of that dispute. In fact, we would cast the responsibility on both parties, both from the municipal level and from the police force level, to come up with a reasonable solution to their own problem. They would be secure in the knowledge that an arbitrator was going to select one complete package and they were both going to be stuck with that package.

Is it not better, I ask in my respectful submission, to have this type of guideline for arbitration so that both parties will act in a reasonable and responsible way in the determination of their own dispute?

**Hon. Mr. MacBeth:** I appreciate what the member for York Centre is saying in regard to the possibility of opening other avenues for settling disputes.

At present I don't feel that need is there. As he knows, police cannot strike under our laws; they must go to arbitration. Although I think the fact that there is forced arbitration means the associations may do a little better than they might otherwise do, the kind of settlements that are reached are not unfair, in my opinion.

We've had very few complaints. I know the municipalities are always suggesting that it's the arbitrators who are forcing them into these higher salaries. But I'm not so sure our salaries in this province are out of line with the kind of responsibilities we're putting on the police and the kind of qualifications we're asking them to have.

I don't feel there is enough wrong with the system to start looking for the kind of alternatives we have developed for the school teachers, which as you know is a rather long procedure and eventually leaves open the door of a possible strike.

However, there's no reason that this arbitration commission can't continue to examine those things, and I'm sure they'll read the member's suggestions in Hansard.

When we refer to the Ontario Police Arbitration Commission, it is a group of people composed of two from the associations and two from the governing authorities, together with Rory F. Egan from the Ministry of Labour. They set the standards for arbitrators, try to issue some guidelines to them and select who will be eligible to do the arbitrating. They themselves do not do any

arbitrations. They don't hear any arbitration hearings.

They are simply the people who report to me as to their proposals for new arbitrators, issuing guidelines for them and handling the mechanics of arbitration. In other words, they look after setting the hearings and things of that nature. There's only one permanent person employed in there, and she is the woman who sets those hearing dates and handles the paperwork involved. So I think there may be a little mistake as to the duties of the arbitration commission.

The commissions themselves, when they go out, are one-man commissions. Of course, they can hear representation from as many people as they want and as many counsel as want to make presentations, but they are one-man commissions.

Item 3 agreed to.

**Mr. Chairman:** Shall vote 1603 carry?

**Mr. Roy:** There is one matter of hearings under the Police Act.

**Mr. Deputy Chairman:** That is a statutory item and it's not to be voted on.

**Mr. Roy:** But we can talk about it, though, can't we? I don't intend to be very long at all on that particular item.

**Mr. Deputy Chairman:** May I ask the hon. member if he will be less than two minutes?  
[10:30]

**Mr. Roy:** I think I could probably make it in two minutes and 31 seconds.

**Mr. Chairman,** this amount seems to be reduced considerably from 1975-76 and from 1976-77. I just want to say briefly that I still feel there are matters under the Police Act which are unfair to police officers. I have said this on many occasions before and I will repeat it again as it is important. If we are going to ask our police officers or people in authority to make sure they follow the rule of law and give an individual all the safeguards and all the advantage of the safeguards we have created in our law, then when they have problems they should be treated equally fairly and justly under the Police Act.

I have said for years—and I have not seen major changes come into the Police Act—that there are many proceedings under the Police Act which, in my opinion, are unfair to members of the force. It seems to me that possibly there are fewer complaints, but I have seen many police officers who find themselves in a certain situation. As an example, it used to be that it was the chief of police who would decide to investigate a



situation and very often he would decide to have a charge laid under the Police Act. Then he would turn around and be the judge. You can see the problem that that causes.

I suppose I am speaking for nothing here actually because I have said this many times before and I have not seen any changes come along under the Police Act. But I think it is an important point and I will say again, even if I have to say it over a number of years: If we are going to assure that our police officers give an accused every safeguard, they have got to be treated fairly when they have problems.

Hon. Mr. MacBeth: Our proposed amend-

ments look after internal complaints. I think for the most part that is what the member is talking about. We will be dealing with that in the Police Act revisions which will come up shortly. This is a statutory amount put in at \$1,000. It certainly may go well above the \$1,000. The matters that my friend was raising will be dealt with under the amendments to the Police Act.

Vote 1603 agreed to.

On motion by Hon. Mr. MacBeth, the committee of supply reported progress.

On motion by Hon. Mr. MacBeth, the House adjourned at 10:32 p.m.

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# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Tuesday, November 1, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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# LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 1, 1977

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### CORPORATIONS TAX

**Hon. Mrs. Scrivener:** Mr. Speaker, later this afternoon I shall introduce a bill to amend the Corporations Tax Act, 1972. This bill will represent a major step forward in the government's tax simplification program.

For several years now, the government of Ontario has been committed to a program of tax simplification, and of course my ministry has been heavily involved. I would like to take this opportunity to recommit my ministry to the objective of tax simplification. At the same time, I would stress that tax simplification is a meaningless exercise without the service and accessibility such an undertaking requires.

However, Mr. Speaker, by its very nature tax simplification is a slow and deliberate process. Thus, I think it is essential that an appropriate balance be struck between the equity of the existing tax policy and the need to make that policy understandable.

The bill I will introduce this afternoon will significantly simplify the administration of and compliance with the Corporations Tax Act of Ontario. This bill will not represent a change in the government's tax policy, but it will embody a significant change in the application of that policy.

As this House is aware, the Ontario Corporations Tax Act closely follows the Income Tax Act of Canada. The exceptions relate to matters concerning the tax policy of the Ontario government.

Since 1972, there have been at least five major amendment bills by the federal government to the Income Tax Act. Even though Ontario paralleled more than 95 per cent of these changes as they applied to corporations, it has still been necessary for Ontario to produce large amendment bills to give effect to the numerous amendments at the federal level. To put it another way, under the current Corporations Tax Act, Ontario must amend its legislation in order to parallel federal changes. Deviations occur unless preventive action is taken.

Since 1973, this House has approved more than 1,000 amendments to the Corporations Tax Act, most of which were required to parallel federal changes. Taxpayers have had to keep abreast of all these changes and interpret the intricate detail of two statutes. The proposed bill will contain provisions to correct this situation; thus, in the future Ontario will automatically tie in to the Income Tax Act of Canada, unless we choose to differ.

The purpose of the bill is threefold: First, to provide tax simplification by bringing the Ontario Corporations Tax Act more closely into harmony with the Income Tax Act of Canada; second, to provide the tax incentives required for investors in venture investment corporations; and third, to provide some administrative amendments including changes to the appeal procedure to make it fairer and more flexible. The end result will be a reduction in bulk in the statute, and an increased comprehension of the statute. Consequently, I think a significant increase in ease of compliance for taxpayers will follow.

In March of this year, I decided that there could be significant benefits if some regular forum were established to provide the ministry with access to private sector expertise. Similarly, taxpayers not only could have access to our thinking, but also could have the opportunity to comment before decisions were reached. Accordingly, I invited several organizations to participate in this forum.

I am pleased to be able to introduce to the Legislature the members of the tax advisory committee who have provided valuable assistance in the design of a simplified corporations tax. These four groups and their representatives are: First, the Institute of Chartered Accountants of Ontario, represented by Mr. Larry Eddy; second, the Ontario chapter of the Canadian Bar Association, represented by Mr. Robert Lindsay; third, the Canadian Federation of Independent Business, represented by Mr. Irving Rosen; and, finally, the Tax Executives Institute, represented by Mr. David Craig.

I would like to take this opportunity to publicly thank the members of the committee for their effort and for their valuable contribution, and I look forward to receiving

comment on this bill from all interested parties. I would like to have them recognized at this point, Mr. Speaker; I wonder if they would stand please. Mr. Lindsay could not be with us today.

This bill will represent the first large-scale simplification of any tax Act conducted by any jurisdiction in Canada. Although it is a significant achievement in the area of tax simplification, it is also flexible enough to avoid compromising the government's ability to implement new tax policies in the future as they are required.

The bill represents neither a change in revenues nor a change in policy. It does represent hard evidence that we are aware of the potentially onerous impact of public administration upon the private sector.

Taxpayers and their advisers will benefit in several ways. First, there is certainty. Taxpayers will know that where the Ontario Act is intended to be the same as the Income Tax Act, it will be exactly the same. Second, all intended differences between provincial and federal law will be highlighted. Third, the number of legislative amendments required will be drastically reduced. I think that all members will agree with the purpose of this bill and will wish to support it during its detailed review later this month.

#### ONAKAWANA LIGNITE DEPOSITS

**Hon. F. S. Miller:** Mr. Speaker, two months ago I announced that drilling crews from Onakawana Development Limited were at work at Onakawana in northeastern Ontario, in the final stage of an extensive exploration project to determine the economic feasibility of extracting lignite from coal deposits there. I mentioned at that time that there are some 190 million tons of recoverable lignite at Onakawana which represent a significant but undeveloped potential energy source native to the province of Ontario. I also mentioned that if the exploration work then taking place should establish that economic extraction is possible, the deposit would be a valuable asset in terms of dollars, jobs and energy.

I would like today to inform the members that the Ministry of Natural Resources is this week hosting a series of open-house public meetings in northeastern Ontario at which the local people and other interested members of the public have been invited to participate in an information exchange on the proposed development of the Onakawana lignite resource by Onakawana Development Limited and to provide us with their views, concerns and suggestions.

We want to make sure that from the outset the public is provided with all the facts about the proposed development. We see these public meetings as an integral step in the process of assessing the project before the company carries out further engineering and environmental studies.

The open-house meetings will be held at Moosonee, Cochrane and Timmins. The Moosonee meeting will be held tonight, the meetings in Cochrane and Timmins on Thursday and Friday respectively. The meetings have been widely publicized in northeastern Ontario and notification of them has also been carried in the Toronto press.

It is our understanding that a wide cross-section of local people intend to take part in the sessions, which is most encouraging to us. The results of the open-house meetings will assist the Ontario government in making decisions as to how the lignite resources at Onakawana should be developed.

I would also like to advise the members that it is the intention of the Ontario government to place the proposed Onakawana development under the Environmental Assessment Act. This is consistent with the recommendation of Task Force Onakawana in 1972, and the company itself has indicated a desire to ensure that any development of the lignite deposits would be carried out under environmentally-acceptable conditions.

It is our hope that all interested members of the public will take this opportunity to join with us in planning the development of Ontario's coal resources.

#### ORAL QUESTIONS

##### HYDRO CONTRACTS

**Mr. S. Smith:** A question to the Premier, Mr. Speaker. Referring to material that was tabled by the Minister of Energy (Mr. Taylor) in the House last Thursday, and more particularly to a memorandum from the chairman of Hydro to the minister in which he says that, "The chairman told me there was a possibility it would be much better if none of the information were given to Dr. Smith, but was left to come out in a public inquiry," will the Premier now say if the government is or is not prepared to have such an inquiry by a committee of this Legislature, and if he is prepared to do so, when will he present the appropriate motion to the Legislature, and is he prepared to consult with opposition parties on this matter?

**Hon. Mr. Davis:** Mr. Speaker, I can't comment on the particular letter itself, because I haven't read the letter. I understand there have been discussions among the House lead-



ers as to the appointment of a committee to deal with certain matters related to Hydro. I think that as those discussions continue and we firm up just what items or matters should be discussed and in what order, this is certainly one that can be considered.

But I think my best recollection is that there are some other matters; I think there was some discussion on the question of the monitoring and on one or two others, nuclear energy, et cetera, that would be part of this committee's responsibility. So, I expect the House leaders will be continuing to discuss this and we will arrive at a reasonable and logical way to approach it.

[2:15]

**Mr. S. Smith:** By way of supplementary, and with great respect, given the fact that the House leaders have been talking about this for three or four weeks now and that we're consistently given assurances there will be some kind of further negotiation, can the Premier simply state for this House that the kind of information we need from Hydro will come before that committee, that the committee will be struck immediately and that the committee will decide for itself the terms of reference and when it wishes to obtain this information from Hydro?

**Hon. Mr. Davis:** I'm sure the Leader of the Opposition would want to follow what I think is a fairly reasonable approach that we have developed and which has been supported, by and large, by his party. That is that we would have general terms of reference, voted upon by members of this House, to give the committee some guidance. I don't think the Leader of the Opposition would want it to be any other way.

**Mr. S. Smith:** I rise on a brief supplementary, Mr. Speaker. Can the Premier simply guarantee that this is going to come forward within the next week, because we've already been waiting about a month for this matter to be dealt with?

**Hon. Mr. Davis:** I'm not sure that I agree that we've been waiting for a month for this matter to be dealt with. I haven't been privy to the discussions between the House leaders; they've had a number of matters to resolve. We're in the process of working out certain terms of reference for what I think is a priority matter as far as this government is concerned and that is the reference to the standing committee on Natural Resources of Inco and the issues that have been raised by that situation. I hope to have something for the House on Thursday.

And with great respect, Mr. Speaker—in that we're both being very respectful today, the Leader of the Opposition and myself—we will move ahead with it. There are a num-

ber of other responsibilities. There are certain conflicts in terms of timetabling, in terms of certain members having to discharge those responsibilities. But I can assure the hon. Leader of the Opposition, yes, we will have a committee and I expect we will deal with it, I can't say within the next three or four days, but we will deal with it shortly.

**Mr. S. Smith:** I thank the Premier for his answer. I will look forward to hearing from him.

## BENZINE LEVELS

**Mr. S. Smith:** I have a question of the Minister of Labour; this has to do with the fact that the National Institute for Occupational Safety and Health in the United States has recommended, as she may know, a new standard for exposure to the cancer-causing agent, benzine, in the work place. Is the minister aware that they have now adopted a one part per million standard and that the occupational health and safety administration branch issued an emergency temporary standard of one part per million in May 1977? Will our present standard of 10 parts per million be lowered to the standard of one per million?

**Hon. B. Stephenson:** Mr. Speaker, it's my understanding that we've already accommodated that recommendation of NIOSH.

**Mr. S. Smith:** By way of a supplementary: Do I take it then that in Ontario there is now a standard of one part per million of benzine in the work place and, if so, can the minister explain whether plants where benzine is being used in this province are presently being monitored? Can she table in this House the reports and the findings of such monitoring procedures?

**Hon. B. Stephenson:** Yes, I shall attempt to do so.

**Mr. Lewis:** I have a supplementary, if I may: Is the minister saying that when the regulations embodying the standards for seven particularly hazardous substances under the new Occupational Health Act are tabled, one of them being benzine, it will be at the level of one part per million?

**Hon. B. Stephenson:** That is my understanding.

## ACTIVITIES OF RCMP

**Mr. Lewis:** I'd like to put a question to the Attorney General if I may. Could I ask him, on behalf of the democratic process generally, and on behalf of this party in particular, to seek from the federal government, from the Minister of Justice and the

Solicitor General, an understanding of, or particulars about the investigation which was launched by the RCMP, so it is alleged, into the activities of members of the New Democratic Party in the years 1971-73 in the province of Ontario?

**Hon. Mr. McMurtry:** Mr. Speaker, yes, I am quite prepared to make such a request to the Minister of Justice and the federal Solicitor General.

**Mr. Lewis:** Without putting an undue trust in the judgement of the Attorney General—

**Hon. Mr. McMurtry:** Just as a matter of clarification, Mr. Speaker, I assume the leader of the NDP is talking about New Democratic Party members of this Legislature?

**Mr. Lewis:** No. Well, it may be, one never knows.

**Hon. Mr. McMurtry:** The New Democratic Party in Ontario?

**Mr. Lewis:** Yes. By way of supplementary, would it be possible, given what we consider and obviously others consider to be extremely disturbing allegations attributed to the RCMP of investigating the activities of various members or factions in well-constituted political parties in this country, the NDP in Ontario at the time, can I ask the Attorney General to demand the information, to peruse it carefully, to make some kind of report to the Ontario Legislature and then to allow us to see whether it might be taken further, say, to the extent of a request for a commission of inquiry?

**Mr. Conway:** You don't mean the Waffle, do you?

**Mr. Lewis:** I suspect it went further than that.

**Hon. Mr. McMurtry:** My answer, Mr. Speaker, is yes.

#### ACTIVITIES OF OPP

**Mr. Lewis:** May I ask the Solicitor General a question? Could he indicate to the House whether the Ontario Provincial Police has, in the pursuit of its duties or felt obligations, looked into activities of people associated with native peoples' groups or with some of the activist groups in relation to native peoples' organizations and movements and if so, on what basis and if so, what was the purpose?

**Hon. Mr. MacBeth:** In the interests of security they keep an eye—and I think I have been asked that question before and used these words before—they keep an eye on a variety of groups. But the member

has asked for some specific detail and I will certainly get that detail to the member.

**Mr. Lewis:** By way of supplementary: I assume the Solicitor General's answer will embody whatever the measure of security it is he thinks should apply, but since he has now said there are such groups looked at by the OPP, could he at least name the groups in his reply? I assume that wouldn't violate any security.

**Hon. Mr. MacBeth:** I don't have all of the details now and rather than guess at names and get some of them incorrect, I would rather check the information first, sir.

#### PRAXIS INQUIRY

**Mr. Stong:** I have a question for the Attorney General. Yesterday in answer to a question by my colleague, the Leader of the Opposition, concerning the Praxis break-in the minister categorically denied the involvement of the police. I quote from Instant Hansard wherein he said:

"... I can state quite emphatically, Mr. Speaker, that on the basis of the interim report that I have received, there is no evidence whatsoever of any police involvement of any police force, RCMP, Metro Toronto police department or any other police department in this break-in, no evidence whatsoever."

Could the Attorney General tell us what the terms of reference were for the OPC's investigation into the Praxis matter and will he tell this House whether allegations concerning the receipt of stolen material by the police were considered by the OPC and if so, what their conclusions were?

**Hon. Mr. McMurtry:** First, Mr. Speaker, I indicated to the Legislature yesterday that I did not have a complete report. I made it quite clear that was the information I had up to the time of the break-in and the absence of any police involvement. I indicated that there was some further investigation ongoing in relation to any documents that had been stolen and that I was still waiting a report from the OPC in that context.

The hon. member may recall that this investigation was requested as the result of a letter that I received from the federal Solicitor General indicating to me that a member of the Parliament of Canada had given him certain information or made certain allegations, or perhaps he was simply passing on certain allegations that had been made—and I think that's a more accurate way to describe it—that would indicate that certain members of police forces in Ontario, including Metropolitan Toronto, may have been involved in the break-in. As I recall



the history of this matter, that is what prompted me to make this request for an investigation by the Ontario Police Commission.

**Mr. Stong:** Supplementary: There may not have been a police officer involved, but would the Attorney General assure this House that no agent working for the police was involved, and would he supply us with the terms of reference of this investigation by the OPC?

**Hon. Mr. McMurtry:** At this point in time I don't have a copy of the letter that I wrote to the OPC and I don't recall the nature of the contents, but I can assure the member that I would be quite prepared to advise the House as to the terms of reference in that respect.

Certainly, when I am talking about police involvement, if it came to our attention that someone retained or used by the police as an agent was involved at the request of or motivated by the police to participate in this break-in, that to me would mean police involvement.

**Mr. Stong:** A further supplementary: Would he assure this House that the police were not passively acquiescent in any alleged breaking of the Criminal Code by receiving the stolen goods and not taking any investigative steps?

**Hon. Mr. McMurtry:** I must admit I have some difficulty in understanding that last question.

**Mr. Stong:** I can repeat the question.

**Hon. Mr. McMurtry:** I don't think it would help me for the member to repeat it.

**Mr. Stong:** I want to make sure the minister understands it.

**Hon. Mr. McMurtry:** I hope the member understands the question.

**Mr. Stong:** I understand the question. Will the minister guarantee that the police were not passively acquiescent in receiving stolen property?

**Mr. Sargent:** Were they in bed with them?

**Mr. Roy:** Supplementary, Mr. Speaker—

**Mr. Wiseman:** Welcome back, Albert.

**Mr. Speaker:** How can there be a supplementary to a non-answer?

**Ms. Gigantes:** You let me have one the other day.

**Mr. Speaker:** Try it.

**Mr. Roy:** Thank you, Mr. Speaker. I would like to ask the Attorney General, if I may, when he talks about no involvement on the part of the police; undoubtedly he is aware

that to receive stolen documents is an offence. Can he assure this House that, in fact, the police did not break the law by receiving stolen material?

**Hon. Mr. McMurtry:** Mr. Speaker, in the absence of the member for Ottawa East yesterday, and the day before—

**Mr. Roy:** I have been here often when you are not.

**Hon. Mr. McMurtry:** —I indicated that I did not have any final report at the present time in relation to what occurred to the documents after the break-in, so I can give no assurance one way or the other to the members of this Legislature until we have some final report.

**Mr. S. Smith:** By way of supplementary, is it not a fact that the Attorney General has an interim report, and can he assure the House that the interim report gives no such indication that there might have been the receipt of stolen goods by somebody on behalf of the police.

**Hon. Mr. McMurtry:** There is nothing to add to the answers that I have already given to this matter.

**Mr. S. Smith:** No assurance?

## INDUSTRIAL WASTE DISPOSAL

**Mr. Deans:** I have a question for the Minister of the Environment. Can the minister indicate where the liquid industrial waste that is currently being dumped at the Ottawa Street dump in the city of Hamilton will be disposed of after the dump is closed in the very near future?

**Hon. Mr. Kerr:** Mr. Speaker, as the hon. member knows, the region is attempting to establish a sanitary landfill site in Glanbrook. I would assume that if the Ottawa Street site is closed to industrial liquid waste, it will have to find another site.

[2:30]

**Mr. Deans:** I assume that, too. The question I'm asking the minister is: Where will they be dumping it after the dump is closed?

**Hon. Mr. Kerr:** There are around five million gallons a year, I guess, or something like that—not quite that much; somewhere in between. We'll know better after our waybill system is in operation a little longer.

But in any event, much of this is now being solidified by way of a fixation process being carried out at the Ottawa Street dump at the present time. We're hoping that once this experiment has been completed, there will be fewer problems in the applicant finding another site to dispose of industrial liquid waste

which would be subject to this type of solidification.

Also, when the site is closed, it's quite possible that the process will be used to close the Ottawa Street site; in other words, by way of a cover. This is a rock-like material that results from the solidification which can be used to cover the existing site and then hopefully another location will be found.

**Mr. Deans:** One final supplementary, if I may. Since the minister obviously agrees that it cannot go to Glanbrook—they don't want the dump anyway—and since the Ottawa Street dump is intended to be closed in the very near future, and since there is no application for an alternative site, and since the process the minister talks about has not yet been finalized or approved, what are they going to do in the meantime?

**Hon. Mr. Kerr:** First of all we still have to have a hearing for the Glanbrook site, so I wouldn't assume that the Ottawa Street site will be closed much before next year, or certainly this time next year.

The certificate that has been issued to the company now carrying out this experiment will expire next June. Some time between now and then they will make application for another location to carry out this experiment and for permanent disposal of industrial liquid waste.

**Mr. Deans:** Will that require a hearing?

**Hon. Mr. Kerr:** Yes.

#### IMMIGRATION POLICY

**Mr. Reid:** I have a question for the Provincial Secretary for Social Development in regard to Ontario's immigration policy. Can the minister tell the House what policy guidelines Ontario has in regard to immigration to the province, in view of the fact that the majority of immigrants still come to the province of Ontario, and what input she had into Bill C-24 and the regulations under that Act?

**Hon. Mrs. Birch:** Mr. Speaker, we are still awaiting the regulations that will be in the new Immigration Act. We have had opportunity for several meetings with Mr. Andras and latterly, Mr. Cullen. There has been no direction yet as to the mechanism that will be established for ongoing consultation with the provinces and with the federal government.

The Act has not been proclaimed as yet, but we expect that that will happen momentarily.

**Mr. Reid:** Supplementary: Because Ontario has the jurisdiction under the British North America Act, and Quebec, in fact, has taken a very strong role in immigration policy, has the minister indicated to the federal govern-

ment that the government of Ontario wants only people from certain areas of the world with certain skills, and that, in fact, these people must be directed to particular areas in the province of Ontario?

Can she share with the House the suggestions she's made to the federal government in this regard?

**Hon. Mrs. Birch:** There has been no discussion at this point in time of that kind of direction from the provincial government to the federal authorities.

**Mr. Reid:** We have no policy with regard to immigration in Ontario?

**Hon. Mrs. Birch:** Right.

#### PROTECTION OF HUNTERS

**Mr. Samis:** May I ask the Minister of Natural Resources what he is doing to protect the rights of Ontario hunters in the St. Lawrence River between Gananoque and the Quebec border, where, as he's familiar, they're obliged—at gunpoint—to pay licence fees from the Indians' St. Regis reserve, as well as the government of Ontario, in waters marked by his ministry as belonging to the province of Ontario.

**Hon. F. S. Miller:** There are probably a couple of problems in that particular area. One is: Where does Ontario end and Quebec begin? That has been in dispute for some time. The second is: Where does the St. Regis band have jurisdiction? I understand in the case of Indian bands, and this particular Indian band, charging a fee to hunt on what they consider to be their own reserve, that we have not entered into the argument. We believe that to be a federal matter. We are waiting for a clarification of the actual boundaries before we take any action.

As far as the Quebec-Ontario boundary is concerned, that has been an ongoing dispute for some time and I really don't have a mechanism at my disposal to prevent some of the Quebec enforcement officers from coming out and claiming one is fishing in Quebec. I think one just simply needs to be a bit cautious when out fishing there because, as the member knows, one doesn't need a licence on our side of the border, but does on theirs.

**Mr. Samis:** Supplementary, Mr. Speaker — and I point out to the minister the question doesn't refer to Quebec. Would the minister discuss with the Attorney General and the Solicitor General what measures are being undertaken, I reiterate, to protect the rights of Ontario citizens in Ontario waters so they don't have to pay double and so they can exercise their constitutional rights and in view of the fact that no claim has been filed



with the federal Ministry of Indian and Northern Affairs as to this new jurisdiction being claimed?

**Hon. F. S. Miller:** Certainly we are not going to request an Ontario citizen to pay two licences if he is hunting on land that is not part of an Indian reservation.

**Mr. Samis:** I think the minister misunderstood the question, Mr. Speaker. I am asking about people who are being forced to pay—to the band obviously—in waters and territory recognized by his ministry and the ministry maps as Ontario waters and Ontario land, and not part of the St. Regis reserve.

**Hon. F. S. Miller:** The problem is that it isn't recognized by the Indians as not being part of the St. Regis reserve and that is the thing we are trying to clarify.

**Mr. Roy:** Supplementary: Is the minister saying really that after 35 years of Tory rule in this province they haven't even determined the boundaries of the province yet?

**Hon. F. S. Miller:** I would suspect one might say after many years of Grit rule in Ottawa they haven't figured out where the boundaries are yet.

**Mr. MacDonald:** Do you both feel better now?

**Mr. Lewis:** That's one thing we could do, Mr. Speaker, without public ownership.

#### SMALL BUSINESS ADVISORY COMMITTEE

**Mr. Eakins:** A question of the Minister of Industry and Tourism: Today marks the first meeting of the minister's advisory committee on small business. Will this meeting be open or closed?

**Hon. Mr. Bennett:** The initial meeting will be closed, to introduce the members—

**Mr. Stong:** Why?

**Some hon. members:** Why?

**Hon. Mr. Bennett:** Just wait until I finish answering the question. I never heard such a group that asked questions and then wanted to answer them themselves. I'll tell them a hell of a great deal more intelligence is going to come from this side than from that side.

The reason, obviously, will be to introduce the members from various parts of the province of Ontario and to describe to them very clearly the terms of reference, and then set them on their course. I have no doubts as time proceeds down the road we will have meetings by the small business advisory committee.

**Mr. S. Smith:** Why does that have to be closed? What is so secretive about it?

**Hon. Mr. Bennett:** The intelligence coming from that side this afternoon is nil, so why don't the members opposite sit and be quiet for a moment?

We will then travel throughout the province and have an opportunity of meeting with various people in small business.

**Mr. Eakins:** Supplementary: Would the minister consider in the future a format of a meeting similar to the PMLC and would he consider the inclusion of the opposition critics on the committee?

**Hon. Mr. Bennett:** Obviously, Mr. Speaker, the racket being raised by the opposition caused my answer to be unobserved by the member. I said that this committee will travel, likely throughout the province, where the members of the third party and people in the business community will have a chance to present their position, their cases and their observations in relationship to legislation and other programs of this House.

**Mr. Breithaupt:** Once the course has been decided.

#### HUMAN RIGHTS COMMISSION

**Mr. Foulds:** A question of the Minister of Labour: What steps is the minister willing to take as guardian of the Human Rights Commission to prevent the kind of apparently vindictive action taken by the Ontario Minor Hockey League Association in withholding the coaching card of Barry Webb of Huntsville, apparently because he testified at a Human Rights Commission hearing on the behalf of Gail Cummings, a 10-year-old girl who wished to play hockey?

**Hon. B. Stephenson:** In difficult situations such as this one apparently has become, the staff of the Human Rights Commission does its best to conciliate the problem between the two partners or the two parties to the problem. That is precisely the role which they will be attempting to fill in trying to resolve an action which I would think on the surface would appear to be patently unfair.

**Mr. Foulds:** Supplementary: Doesn't the minister think that there is an important point of principle that must be established publicly by the Legislature—that a person who testifies before a Human Rights Commission inquiry cannot therefore be punished for that testimony? And isn't she afraid that if this is not resolved quickly and publicly that intimidation of this kind will prevent witnesses from testifying at Human Rights Commission inquiries and therefore nullify the power and

the effectiveness of the Human Rights Commission?

**Hon. B. Stephenson:** No, Mr. Speaker, I am not quite so cynical I suppose about the motives and the directions which the citizens of this province will follow. I believe that those who are specifically concerned, who feel that they must assist in bearing the burden of enhancing the role of human rights will come forward in any case. I would hope that the response to this specific action will not become general and we shall certainly do our best to increase our educational programs to ensure that it does not become general. But I firmly believe that most of the people in this province would not act in that kind of apparently vindictive way.

**Mr. Lewis:** It won't get him back his job.

### DRUG PUBLICATIONS

**Mr. Leluk:** I have a question of the Attorney General. In May of this year the drug magazine, *High Times*, was not permitted entry into Ontario by Canada Customs because of its questionable content. Since this magazine is now being printed and distributed in Ontario and in Canada, has the minister's legal staff had the opportunity to assess its contents and do these contents, in fact, contravene section 422(a) or any other section of the Criminal Code of Canada? The second part of my question: It is my understanding that this matter came up for discussion last week at the meeting of the Attorneys General in Charlottetown. Would the minister inform this House as to the outcome of those deliberations?

**Hon. Mr. McMurtry:** Mr. Speaker, as the hon. member mentioned, the federal authorities took steps to prevent the admission into Canada of this magazine, known as *High Times*. Since that particular time, apparently, they have moved their publishing operation to Ontario and I understand that the police authorities have not yet been able to learn just where this magazine is being printed.

The Premier of Prince Edward Island, who is also the Attorney General of that province, brought up the issue of the matter of *High Times* at the Attorneys General conference in Charlottetown last week because of his concern. It was generally agreed that under the present provisions of the Criminal Code a successful prosecution might be difficult.

There is some issue as to whether, for example, it might be prosecuted under the counselling sections of the Criminal Code, but again, there is some doubt expressed as

to the likelihood of a successful prosecution of this magazine which seems to be directed mostly to encouraging people to use drugs. The consensus of the provincial Attorneys General who were at that meeting was that amendments should be considered to the Criminal Code and the provinces will all be participating in making recommendations for amendments which would cover this particular problem. It's then going to be taken up by a meeting of the Deputy Attorneys General in approximately seven or eight weeks time.

[2:45]

**Mr. Swart:** Supplementary: In view of the fact that I find it rather difficult to believe that the minister can't find where the magazine is being printed, would he tell us what steps have been taken to obtain that information? Also, it was my understanding that he had launched prosecutions against some distributors; can he tell us what the state of those prosecutions is now?

**Hon. Mr. McMurtry:** I think the hon. member has been in the Legislature long enough to know that the Ministry of the Attorney General is not an investigative or police agency so we are not in the investigation business. Secondly, there are to my knowledge no outstanding prosecutions against this magazine or the distributors thereof. I've already indicated to the members of the House what are considered to be the inherent difficulties in a successful prosecution.

### INDUSTRY RELOCATION

**Mr. Roy:** A question to our globe-trotting Minister of Industry and Tourism: I'd like to ask the minister—apart from congratulating him on his haircut—what initiatives he or his ministry are taking to combat the initiatives taken by some northern US states, which have taken the initiative to lure away Canadian companies from Ontario and from Quebec, especially into northern New York? I'd like to ask the minister whether he has taken any steps, in view of the fact that last year some 40 companies moved from Ontario and Quebec into the northern US, especially New York State, including 25 companies from Ontario?

**Hon. Mr. Bennett:** To answer the last part of the question first, we recognize very clearly that there were some companies in Ontario and Quebec that did take branch plant operations into the northern United States. They went there for the simple reason that the cost of production was less. They could produce their goods and send them into other



parts of the United States at a lesser cost than they could do it either in Quebec or Ontario.

**Mr. Sargent:** Less taxes too.

**Hon. Mr. Bennett:** That could very well be, Mr. Speaker, less taxes—also the payroll and a few other things, the social amenities in this province, are somewhat greater than they are in the United States; we recognized that fact right at the start.

The first part of the question was "What have we done?" We have made available to municipalities the opportunity of low interest-rate of money for the development of industrial parks. Indeed, we've made OBIP loans available to industries to establish in, particularly eastern and northern Ontario, to help them establish at a lesser rate that would make their production system and the end product more attractive on the market.

**Mr. Roy:** Mr. Speaker, a supplementary to the minister's question—

**Hon. Mr. Bennett:** It was not my question.

**Mr. Roy:** —to the minister's answer: In view of the fact that the initiatives he has talked about are not new initiatives, but initiatives they have had going for some time, and in view of the fact that these initiatives have not worked and Canadian companies are going to the northern US, what new initiatives or plans does he have to encourage Ontario companies to stay within Ontario, and what plans does he have to make our production more efficient?

**Hon. Mr. Bennett:** Very clearly, I wish the member would get it straight that these companies did not leave Ontario. They set up branch plant operations in the United States; that we clearly understand. The fact remains that they set up their plants in the United States to keep some degree of stability in their firms. The fact is they could not sell their products being produced on this side of the border.

I do not admit that the plans we have in place, the OBIP plan and the industrial parts program, have not assisted. There are still applications being dealt with the development corporations in northern and eastern Ontario to assist companies to establish.

As far as labour rates are concerned, that's something that has to be dealt with at the individual manufacturing level, between the employees and the employer, or the union and the employer.

Let me go on to the next phase of it. The Premier, the Treasurer (Mr. McKeough) and I have said very clearly and distinctly that in the field of productivity there is more

than just labour involved, and the cost of labour. This province has been seeking out—on a world basis—new foreign investment and new capital for the development and advancement of industry in the province. Indeed, we must find companies that are prepared to put more time and money into research and development in this province. With those investments in place—

**Mr. Lewis:** How are you going to do that?

**Hon. Mr. Bennett:** —and that's what we've been doing through the ministry's encouragement—while we haven't been successful in all areas we recognize the fact there has been a great deal put into place and the fact that there are still employment opportunities in eastern and northern Ontario.

**Mr. Lewis:** Mr. Speaker, this is intolerable.

**Mr. Wildman:** A supplementary: Could the minister report to the House on the results of his initiatives to try to ensure that the jobs at Anaconda will be saved, in spite of the upgrading of the—

**Mr. Speaker:** That's not a supplementary.

**Mr. Wildman:** It has to do with—

**Mr. Speaker:** The hon. member for Ottawa East with a supplementary.

**Mr. Roy:** In view of earlier statements that the minister made in July when this matter was brought to his attention, I wonder if he could advise us whether he's prepared to stand by an earlier statement that he made in July. He said that if US firms were, in fact, luring Quebec companies into the US, it was an awful game to be playing; but the minister said that he was going to get in that game himself, to be competitive with the US and lure Quebec firms into Ontario.

**Hon. Mr. Bennett:** The member should go on to read the rest of the quotation. The Premier has said it and I have said it, and let's make it clear once again in this House—

**Mr. Roy:** The Premier, especially.

**Hon. Mr. Bennett:** Let's make it very clear in this House to the hon. member and to the people of the province of Ontario, that in this day of trouble for Quebec we, as a province, have not gone into Quebec seeking their industry.

**Mr. Roy:** That's not because of you. That's because the minister's hands were tied by the Premier.

**Hon. Mr. Bennett:** They were not tied by the Premier, one bit.

**Hon. Mr. Davis:** The member was saying it was the Liberal policy to do it. He said it on Friday.

**Hon. Mr. Bennett:** It's a policy decision of this government and I stand by it, and I think the member should stand by it too, because there's a thing known as national unity to be considered.

**Mr. Roy:** Don't worry. Don't worry.

**Hon. Mr. Davis:** You are in trouble now. You are in trouble.

**Mr. Roy:** Who was reprimanded by the Premier?

Interjections.

**Hon. Mr. Bennett:** My ministry is well aware of certain firms in the province of Quebec that have indicated possibilities of their moving. They have been to this province and they have been to other parts of Canada; indeed, they've been into the United States seeking out a potential place for locating. We have not tried to lure them into the province of Ontario because we do not think that—

**Mr. Roy:** I hope not.

**Hon. Mr. Bennett:** Will the member let me finish? We do not think that in the long range it's to the advantage of this province or this country. We do not.

We believe while we might today secure some firms from the province of Quebec into Ontario, in the short term it would be beneficial, but on a long-term basis it has no profitability to this country whatsoever.

**Mr. Wildman:** Firms from Buffalo are moving into Ontario.

**Hon. Mr. Bennett:** And so I stand by my word—that if we are aware of the fact that there are firms that want to come to Ontario—

**Mr. Sargent:** Why don't you sit down?

**Hon. Mr. Bennett:** The member for Grey Bruce is sitting down and that's where he should be, let me assure him.

**Mr. Roy:** To think we let this loose on the whole world.

**Hon. Mr. Bernier:** You don't want to listen.

**Hon. Mr. Bennett:** The last part of the question by the hon. member is one that I'll answer directly. I said that if we found that there were American states penetrating some of the companies, whether they be in the province of Quebec or other provinces of Canada, then we would put our forces in the Ministry of Industry and Tourism to work to try to persuade them to stay on the north side of the border—in the province of Ontario, for the good of this economy and the economy of Canada.

**An hon. member:** Well, while you were away, they were leaving.

**Mr. Cassidy:** Supplementary to the original question: Can the Minister of Industry and Tourism say what steps the ministry is taking in order to stop production and jobs being transferred to the United States at the direction of, or under pressure from, the head office of subsidiaries resident in Canada?

**Hon. Mr. Bennett:** Where we find there is such a situation developing, we have sent our people into the United States to speak with their management. If the member has some particular ones that he is thinking of, if he'd let me know, I'll follow them up with our records to see whether they are the same ones.

**Mr. Wildman:** Anaconda.

**An hon. member:** You could easily find them.

**Mr. Cassidy:** Anaconda.

**An hon. member:** Twenty-five firms last year. You should know.

**Mr. Speaker:** Final supplementary on this, the hon. member for London Centre.

**Mr. Peterson:** This is a supplementary with respect to the first supplementary the minister had today. He referred to the initiative of the government, of the Premier running cap-in-hand to Japan and various other countries to ask them to buy us out or to invest here in the province of Ontario.

**Hon. Mr. Davis:** I don't wear a cap.

**Mr. Reid:** That's because it's in your hand all the time.

**Mr. Peterson:** In the process the minister was addressing the question of capital shortage here in Ontario. Is it his view that the huge government spending and the deficits created thereby, and the necessary intrusions into the capital market by governments, helped to cause this problem and what is he going to do about it?

**Hon. Mr. Bennett:** I wouldn't want to prejudge whether the intrusion into the capital marketplace by governments has caused this shortage or not. Indeed, there is a lack of confidence in investment in Canada at the moment.

The Premier of this province and the Premiers of several provinces in this country have gone into the foreign market to try to put back a degree of confidence in investment in Canada and the various provinces. We're not alone in travelling in the world market. Thank goodness, we do go out into the world market.

There's only one way—and the federal ministers are doing a fair job; I give them credit for travelling in the world market and trying to build a degree of confidence in



the economy here and the opportunity of investment. The only way we're going to encourage people to invest in this province and in this country is if the people in the higher political offices go out and speak with the industrialists and the investment community. In that way we'll generate the confidence which is necessary. The businessman then follows up to sell his particular commodity, product or technology which will then turn an advantage to this province.

### CONDOMINIUM LEGISLATION

**Mr. Philip:** I have a question of the Minister of Consumer and Commercial Relations. A couple of weeks ago he reported that the report of the Kealey condominium study group would not be tabled for yet another eight weeks, even though the minister's predecessor had stated it would be ready in March 1977 and the Premier had promised it for June 1977. Is the minister prepared to approach the Premier at least with a view to releasing Darwin Kealey—

**Mr. Cassidy:** Just release him that's all.

**Mr. Philip:** —to prepare the kinds of legislation which will come from the report so that at least we can get some legislation before us and as soon as possible following the tabling of the report?

**Hon. Mr. Grossman:** Mr. Speaker, we think it would be appropriate first to receive the report of the study group, which is no doubt going to be a fine and extensive report, in view of its author. Only after we receive the report will this government consider going to legislation. It's a habit we have of waiting to get the report of the people who have been asked to study it before we prepare some legislation.

**Mr. Swart:** Where's the Municipal Elections Act? We've been waiting for that.

**Hon. Mr. Grossman:** Having said that, let me assure the hon. member that the report, I'm told, is at the printers. It will be a matter of, I think, three to five weeks until it is available.

**Mr. McClellan:** Is it being written by hand?

**Hon. Mr. Grossman:** Hon. members will have it as soon as I have it, and we will be considering it forthwith after that, hopefully with some legislation next year.

**Mr. Philip:** Supplementary: Is the minister aware of statements made by Darwin Kealey in the Toronto Star which confirmed the minister's new delay but also stated, and I quote: "The report will avoid Band-Aid solutions to existing problems such as defects in construction," and can the minister tell us

whether this means that legislation will not deal with the number one problem, namely the ripoff of consumers by construction companies, or is he planning on writing to the construction companies to ask whether they're ripping off the public?

**Hon. Mr. Grossman:** No, I thought I'd have the member for Welland-Thorald write a little contractor in Buffalo to get that information for me.

**Mr. Swart:** You won't get it from me.

**Hon. Mr. Grossman:** I want to make it clear that there is no ministerial delay involved, as the hon. member tried to slip into his first question. The report has been submitted to the printers. I haven't seen it.

**Mr. MacDonald:** They must be the slowest printers in the world.

**Hon. Mr. Grossman:** So the comments of the hon. member with regard to some of the other matters, that it won't be a Band-Aid solution and so on, may be true, but I haven't seen the report. When I see it—and, as I say, hon. members will see it as soon as I see it—then we can both comment upon the action to be taken.

**Mr. Warner:** In the fullness of time.

**Mr. Philip:** A further supplementary: If the minister hasn't yet seen it, and if the minister is not prepared to make statements on it, would he then at least inform Darwin Kealey to stop setting off false alarms in the press before we have an opportunity to look at the report?

**Hon. Mr. Grossman:** Firstly I want to reaffirm there's no point in saying, "if I haven't seen it." I haven't seen it. The answer is that Mr. Kealey obviously has seen it and is quite free to comment in a general sense without, I would think, disclosing any of the specifics with regard to how comprehensive the report is going to be.

[3:00]

I might say that I think very many people who are awaiting the outcome of the report and the subsequent legislation and who are worried about their rights, are, indeed, entitled to some assurance by the author of the report that it is not going to be an interim or piecemeal document. I think it's quite appropriate, normal and healthy for the author of the report and the head of the study group to say: "Look, we have produced a very comprehensive, wide-ranging report." I think that's healthy and important, and if he wants to say it time and again, I will encourage him to provide that assurance.

## HYDRO CONTRACTS

**Hon. J. A. Taylor:** On Friday, Mr. Speaker, the Leader of the Opposition asked if I would explain an apparent discrepancy between figures cited in two documents—

**Mr. Lewis:** You are in his pay. I am sure you are on his payroll.

**Hon. J. A. Taylor:** —which I had tabled concerning the construction of the Bruce heavy water plants. The first set of figures, \$416 million for 1975 and \$506 million for 1977, refers only to the Lummus portion of the construction costs on plant B. The second set of figures, \$567 million for 1975 and \$739 million for 1977, refers to the Lummus portion plus the Ontario Hydro portion of the costs.

The Leader of the Opposition asked if these differences—he called it a discrepancy—were in any way related to a hand-written notation on one of the sheets which said: "First two sheets only for ministry." The answer, Mr. Speaker, is no.

**Mr. S. Smith:** By way of supplementary, the difference appears to be that the Hydro portion was originally estimated at \$150-some-odd million and it ended up at practically \$260 million. Can the minister explain the discrepancy in the Hydro portion of that contract?

**Hon. J. A. Taylor:** Again, if the hon. member will look at those figures—the Hydro portion in 1975 was \$151 million and in 1977 was \$233 million. The explanation was given previously.

**Mr. Lewis:** That was a little better. I wouldn't give you a passing grade but that was better.

## EDWARDSBURGH LAND ASSEMBLY

**Mr. Conway:** A question of the Minister of Industry and Tourism: What is the reaction of his office to the interim ministerial report referred to in the recent report of the Ontario Land Corporation with respect to the disposition of the famed Edwardsburgh land assembly as "an experimental farm for eastern Ontario"?

**Hon. Mr. Bennett:** Mr. Speaker, I think if the hon. member would read the Hansard of last night's estimates committee, he would find my remarks in full. I said I thought that in the long range, we will continue to have the land available for heavy and large industrial development, but that I thought it was important at this stage, while economics are down and there is little possibility of locating an industry for that particular park, it was best that we put the land to some use

and we are following the recommendation as described in the Dillon report.

**Mr. Conway:** Supplementary: Are we to deduce from that that this showcase for the industrial development of eastern Ontario is to be allowed to lapse into some kind of experimental farm in the absence of any concrete initiatives to produce the kind of industrial development that this government spoke so glowingly of two and a half years ago?

**Hon. Mr. Bennett:** Yes, Mr. Speaker, we spoke very glowingly of it two and a half years ago.

**An hon. member:** You didn't.

**Mr. Roy:** That's right. You didn't know about it until you were appointed.

**Hon. Mr. Bennett:** I think if the hon. member would look at the economics of the times, they were somewhat different to those we face today; not only in Ontario and Canada but in the world situation.

**Mr. Roy:** That's because you're in charge.

**Mr. Foulds:** The minister just can't manage the economy, can he?

**Hon. Mr. Bennett:** If the member for Ottawa East were here more often, he would know what was going on.

Interjections.

**Mr. Nixon:** The minister just got back from a world trip at the expense of the taxpayers.

**Mr. Roy:** A round-the-world trip.

**Hon. Mr. Bennett:** At least mine was on behalf of the people of the province of Ontario.

Mr. Speaker, for a short period of time we intend to use it between the Ministry of Natural Resources and my ministry in its further exploration.

**Mr. Sargent:** On a point of order.

**Mr. Speaker:** There's nothing out of order. We have had enough time on this. The hon. member for Beaches-Woodbine with a new question.

**Mr. Roy:** There is evidence of your record in Edwardsburgh. You do a helluva job.

**Hon. Mr. Davis:** Watch your language.

## BURNING PCBs

**Ms. Bryden:** I have a question of the Minister of the Environment. Will the minister explain to the House the precise difference between a certificate of approval for experimental burnings of PCBs and a certificate of approval for regular burnings? In particular, will he clarify the status of the certificate of approval, dated January 8, 1976, issued to the St. Lawrence Cement Company in Mis-



Mississauga—I have a copy of this—which authorizes the burning of PCBs without any reference to experiments, and which has no expiry date and no limit on the volume of burnings to be allowed?

Is this certificate of approval still in effect, or did the minister issue another order abrogating it or suspending it in June or May, or whenever it is he said they stopped burnings? I am asking the minister if he could clarify the position of this certificate; and if there is any subsequent order, table that order for us so that we may know what the position is at Mississauga regarding whether burnings can continue under the present order or stop.

**Mr. Speaker:** The question has been asked.

**Hon. Mr. Kerr:** The question was in about 10 different parts. Very briefly, the certificate that the hon. member refers to for the burning of PCB material was issued as part of the ongoing experiment at St. Lawrence Cement. In order to complete the experiment, it is necessary to have what would be a typical burn, in other words using the type of material so that the experiment could be assessed to see if the material could be handled in that way and to see if PCBs were being destroyed sufficiently to allow the certificate to continue.

The certificate itself doesn't use the word "experiment" nor does it use the word "permanent." It is just a certificate with, as the hon. member says, certain conditions. It was in effect, I believe, from January, 1976, until about May of this year. At that time, there was an analysis by one of the federal agencies we had involved in the experiment of the PCB burn during that period of time. It was then that the recommendation was made that certain changes be made in respect of the handling of the material, and also recommending certain on-site monitoring. At that time as well, as the hon. member will recall, there was some controversy over the importation of some PCB-contaminated material, I believe from Iowa.

At that time, because of the analysis, we stopped the burning of PCB-contaminated material, that is since May up to and including now. At the present time no PCB-contaminated material is being burned at that plant.

**Ms. Bryden:** Supplementary: Did the ministry issue an order or a letter suspending this particular certificate of approval, since it has no time limit on it and it doesn't say "experiment"? If so, would he table this letter and indicate to us on what terms the resumption of burning would be allowed, if the certificate of approval is still in effect.

**Hon. Mr. Kerr:** It is my understanding that verbal instructions went out to the

company. It is quite possible that was covered by a letter, I will find that out. As far as recommencing goes that will not take place until after we have a public meeting.

**Mr. Lewis:** Supplementary: What does the minister mean by a public meeting? The last time we talked, it was a public hearing. Are we going to have a public hearing under the Environmental Hearing Board, as anyone who asked that question would have assumed, or is the minister now neatly backtracking because of the anger of the civil servants in the ministry that he had committed himself publicly to a public hearing, and he is just going to have one of those information meetings? Which is it going to be?

**Hon. Mr. Kerr:** It is not a question of backtracking at all. As I said before, a hearing under the Environmental Protection Act is not required as far as the burn is concerned.

**Mr. Lewis:** But in this Legislature the minister said a hearing.

**Hon. Mr. Kerr:** All right. The fact is that the idea I have at the present time is to have a public meeting this month. It would be impossible to have a hearing under the Environmental Protection Act certainly before the first of the year. It takes time to set that up, with the advertising and that sort of thing.

**Mr. Lewis:** Fine, all right.

**Hon. Mr. Kerr:** So in order to have a quick public meeting so that we can allay some of the concerns in Mississauga—

**Mr. Lewis:** So it is a retreat from the minister's commitment.

**Hon. Mr. Kerr:** —we will have a public meeting hopefully before the end of this month, at which time the people involved in that experiment from my ministry and other agencies can explain exactly what's been going on there. If we feel it is necessary then to go further under the Environmental Protection Act, that decision will be made.

**Mr. Lewis:** So the minister has moved away from the commitment that was made.

**Mr. Foulds:** Weasled out.

## TRAPPING LICENCES

**Mr. Gaunt:** Mr. Speaker, I have a question of the Minister of Natural Resources. Would the minister review the new requirement this year, where trappers are required to get permission from all landowners in writing before a licence is issued; would he do so in view of the fact that many municipal leaders are refusing to sign, and also in view of the fact that there seems to be some

apparent disagreement within the trappers' association?

**Hon. F. S. Miller:** Mr. Speaker, I'm not sure that it's as easy as it sounds. My sympathies are with the trappers. I have looked at the new regulation, and in particular the form that was changed this year upon which they have to have some indication that they have permission to trap on private lands. That, of course, is not new. On any lands that they don't own, it's just like any common trespass; one may not enter upon lands that are not his own without permission. For many years that's been a requirement not really adhered to too strictly. Certainly our staff have been told, at least for this year, to back off of that requirement while we have a chance to look at the forms and come to a better conclusion.

### INTRODUCTION OF BILLS

#### CORPORATIONS TAX AMENDMENT ACT

Hon. Mrs. Scrivener moved first reading of Bill 88, An Act to amend the Corporations Tax Act, 1972.

Motion agreed to.

**Hon. Mrs. Scrivener:** Mr. Speaker, as I stated earlier, this bill is a major step forward in Ontario's tax simplification program.

**Mr. Cassidy:** It's not simple.

**Hon. Mrs. Scrivener:** It ties the Ontario Corporations Tax Act to the Income Tax Act of Canada where both governments have the same policy.

**Mr. Foulds:** One of 10,000 steps.

**Hon. Mrs. Scrivener:** For many years, Ontario has closely paralleled most federal actions as they concern the taxation of corporations. The basic reason for this is to prevent the growth of a tax jungle, while at the same time providing the province with the flexibility to operate its own tax policy where needed.

Interjections.

**Mr. Speaker:** Order in the chamber, please. Everybody has the right to be heard.

**Mr. Lewis:** There are exceptions, and this is one of them.

**Hon. Mrs. Scrivener:** This bill has three main elements. First, there are some administrative amendments, the most significant of which is an increase in the flexibility in the rules governing appeals.

**Mr. Lewis:** I don't know how we lost that seat.

**Hon. Mrs. Scrivener:** Second, the bill includes provisions to allow for special tax

incentives for investors in venture investment corporations.

The third element is the most important, and that is the simplification of the corporations tax itself. This bill provides that where the policies of Ontario and the federal government are the same concerning the taxation of corporations, the relevant provisions of the Income Tax Act of Canada will apply for Ontario purposes.

[3:15]

### ANSWERS TO WRITTEN QUESTIONS

**Hon. Mr. McMurtry:** Before the orders of the day I wish to table the answers to questions 25, 26 and 28, and the interim answer to question 27 standing on the notice paper. (See appendix, page 1409.)

### ORDERS OF THE DAY

#### SUCCESSION LAW REFORM ACT

Resumption of the adjourned debate in committee of the whole House on Bill 60, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

On section 69:

**Mr. Chairman:** I believe when the committee was sitting previously there was an amendment before it, by the member for Carleton East, to section 69. Does the member for Carleton East have any further comments?

**Ms. Gigantes:** Yes, Mr. Chairman, we were in the midst of a discussion relating to that motion to delete, in which the Attorney General (Mr. McMurtry) had described to the House the reasons the government felt that subsection (1)(a)(XII) should remain within the bill. He was citing, Mr. Chairman, cases from English precedent in which there is some jurisprudence on the phrase "a course of conduct which is obvious and gross" or "gross and obvious conduct." I submit, Mr. Chairman, that that is not the phrase which is being presented to us in this bill. I consider it quite important that we realize the distinction between the jurisprudence, which is being cited by the Attorney General for establishing this phraseology, and realize that the jurisprudence he is citing does not, as far as I can understand it, apply to the phraseology which is proposed here.

Here we are dealing not with "gross and obvious conduct" at all. Here we are dealing with "conduct that is an obvious and gross repudiation." I would like, Mr. Chairman, to suggest that we should not try and es-



establish a new kind of jurisprudence with this new phraseology. If the Attorney General has any explanation to offer about what he feels would be the reading of the courts of Ontario in trying to establish what is conduct which is an obvious and gross repudiation of the relationship, I would be interested to hear it.

**Hon. Mr. McMurtry:** Mr. Chairman, I don't think I have anything to add to what I said the other day. I appreciated the concern of the hon. member for Carleton East and with that in mind I had one of the senior law officers write the hon. member for Carleton East a fairly lengthy letter—some four pages—on October 28, 1977, which I trust reached her attention, attempting to clarify the issue further. It would appear we have not satisfied her, and I don't think it is going to serve any useful purpose to take up further time of the Legislature in that effort, other than to say that I don't think we should be intimidated by the suggestion that the courts of this province will be asked to embark upon the development of further jurisprudence.

Obviously, Mr. Chairman, this is a necessary adjunct to any legislation, particularly legislation that is of a reform nature. This particular section may not satisfy the member as a useful reform; but certainly in our view it is part and parcel of legislation that I think is important reform legislation, therefore it will be up to the courts to develop the necessary jurisprudence.

I refer to the English cases because I think they are indeed very useful in determining the meaning of the words "obvious" and "gross." I don't think these English authorities have any further significance other than what I've referred to, except to indicate the general approach now taken by the courts in conduct questions.

Although these decisions were decisions of English courts and not necessarily binding on Ontario courts, they will obviously be given great weight by our courts. I don't think there is anything further I can usefully add at this time, other than to state that this matter has been canvassed with the family law section of the Canadian Bar Association and I'm so advised it is in favour of the wording in this form.

**Ms. Bryden:** I share the concern of my colleague from Carleton East regarding the inclusion of this clause in this bill. We know that in the past conduct clauses of this sort regarding successions and divorces have tended to be applied rather one-sidedly against the female person. I realize the legislation makes no such discrimination, but

there are still traditional views that may tend to cause a continuation of that situation.

I realize that the wording has been changed somewhat to try to make it apply perhaps only in very extreme situations. However, I think the principle of including it means there will be considerable weight put on this element in any contested situation, when there are many other factors to be taken into account. I would like to see it removed; then if we find from experience there are cases where there appears to be very serious miscarriages of justice, we could consider putting something back in that might cover any situation where there is a miscarriage of justice.

I would like to see us consider taking it out and then see what happens. Then we will not have the situation of conduct becoming a major element in almost every litigation, which can lead to very serious and bad relationships between the contesting parties and can cause a great deal of pain and hurt. For those reasons I would rather see us go toward a sort of no-fault principle.

**Mr. Lawlor:** Because I find myself, on this issue, somewhat at odds with certain of my colleagues, I would like to put on the record my own feelings about this matter. I would, of course, retain the clause and retain the clause precisely as written. The move towards no-fault in a number of fields is acceptable, in the spirit of the times and the *Weltanschauung*, and will come to pass. The law doesn't work that way, and populations are not so reformed overnight. It is done by accretions.

In the particular move here, there is a clause embedded among 16 headings. Only one among those 16 headings, albeit an important one, is subject to the determination of the court as to where the emphasis will lie.

It is assumed, and too grotesquely and immediately—and presumptively assumed—that it will be given paramountcy, leading to even possibly exclusive operation by some woebegone and benighted judiciary, who can't read statutes and who don't know the present tenor of the law; the present tenor of the law being that it is in a position of paramountcy, that various forms of marital failure or marital misdemeanour are considered as being fairly determinative of the issue. The very way in which this is couched, the fact that it is embedded in the context that it is, is a clear pointer to the judiciary of what the intent is. I also argue that many, particularly of the younger members of the judiciary, have asked for and welcome this new orientation.



It's not just a question of emphasis, it is orientation. It's a changed viewpoint, deeply reaching into laws that are well over 500 years old. Here we have very searching and rooted distinctions being made, and the thing being presented in such a way as to have that particular effect.

Secondly, you have to take a look at the very wording. Not only is it placed in this subordinate position, as one ingredient among many, but the wording itself is, over against your initial use of the term "conduct" in the legislation that was brought in approximately two years ago, so watered down, so—I wouldn't want to use the word emasculated—that again they're in a double move to meet the recognized spirit of the times in these matters. But to remove conduct completely as a consideration in extreme cases, in cases where conduct is a looming factor, seems to me to be irresponsible. As a matter of fact, the whole argument revolves around the notion of responsibility.

In some ways, you know, there are two prongs to this thing. The one prong is, under the impressive contemporary psychology, the greater and greater tendency is to see that no one is responsible for very little. In other words, our subconscious activities, our motives, our instinctual behaviour, acquired behavioural patterns, environmental influences on behaviour—all these things are supposed to so diminish our sense of personal responsibility as to lift the burden of making choices and of performing certain acts which are highly detrimental to human relationships.

The whole purpose, if I may go aside just for a moment, the whole purpose of psychoanalysis is to liberate people into being responsible, not the opposite; to remove the full human development implied in the term "responsibility." That's one thing. Then, even if it's admitted that responsibility is recognized and being exercised as between spouses but you can't sort it out, that it is over such a long period of time so intertwined and so many subtle and delicate relationships, a word said wrong on a particular evening, a fact the husband turned his back—you know, a million things which novelists write novels about—these are the things that it would be unfair to seek to sort out or in any way to determine.

[3:30]

But surely in our human relationships, if I offend you or you me, whatever your motivation may be and whatever grounds, there are cases in which this becomes quite gross, where it becomes very obvious. It

shows, to some degree, that you have gone out of your way.

If I'm particularly kind on a particular occasion the same thing applies. Certain credence and credit is given to individuals in those relationships. They're recognized as contributing factors to unity and to people coming together just as other things are distinctly adverse to the forming of good relationships.

I give the judiciary and us, in common life, the good sense of being able to make some kind of assessment of that. It's not for the purposes of casting blame or making judgments upon the deportment and manners, or even the morals of other human beings. It is simply to say who has disrupted this relationship with a greater or lesser degree of deliberation. There have been many instances of this. To remove it entirely is wrong, so I go the opposite way of my colleague who just spoke. I would leave it there and let the jurisprudence develop around it. I have high hopes that jurisprudence will meet all our assents. I have every reason to believe that that will be the case, from my experience in law.

If it doesn't, then we can amend it. But to go holus-bolus in the opposite direction, and to have all this all or nothing, in any particular context, strikes me as a little too logical. I can't agree with my colleague from Carleton East who reads this with the subtlety of a grammarian.

As a matter of fact, the way it's worded may be more difficult in the application of the concept of conduct than if the gross and obvious were related to conduct qua—it's related to conduct leading to repudiation.

I think the judiciary looking at that is going to have to look at acts which are acts of repudiation—overt, gross acts of this particular kind, and there are such acts left in the world—and whether the other spouse should support and maintain an individual in face of those acts; with the consequences bred from that, namely, that that spouse will feel deeply offended and will say: "What kind of a law is that, and I'm damned if I'll pay." And everyone of us will bow our heads and say, in the circumstances: "I wouldn't pay either if I were in your shoes. I'd go to jail first."

**Hon. Mr. McMurtry:** Mr. Chairman, just very briefly. I appreciate the remarks and the customary wisdom of the member for Lakeshore. Perhaps for the benefit of other members in the Legislature who have not received copies of the correspondence submitted to the member for Carleton East, I



could give an example of the type of conduct that will concern the English courts. These two cases were outlined to the member for Carleton East.

The first was the case of Novak and Novak where the husband, by the use of an axe, killed children four and five years old. Not surprisingly enough, that was considered gross and obvious conduct. But this is the English jurisprudence.

In the case of Jones and Jones, after the husband's physical abuse of his wife the couple separated; it was after cohabitation the husband attacked his wife with a knife causing a 75 per cent disability to her right hand. Again, this is considered to be a case of gross and obvious conduct. So I think it's an indication of the narrow application, and very strict application, that the English courts have given to this phrase.

Again, I'd remind the members that this has a particular significance with respect to the Succession Law Reform Act, because we're not talking about people who are alive, we're talking about someone who has died and we're talking about interfering with testamentary capacity. Obviously when one awards support out of the estate on such an application, the court is interfering with the testamentary capacity of the deceased, and certainly, innocent third-party beneficiaries actually are the ones who will bear the loss. I think that is an added reason why this clause is one of the 16 clauses that should be considered in such an application.

**Mr. Roy:** I would like to make a few comments on the amendment. The first point I would like to pick up on is the last comment by the Attorney General; to me, that's the one that has to be emphasized strenuously.

It's a fact that one of the sacred principles built up in jurisprudence over many centuries is to try to preserve what the Attorney General has talked about; that is the wishes of the testator. We have seen a whole line of cases or jurisprudence built up over the years where courts are, in fact, very nearly standing on their heads to try to follow the wishes of the testator. This type of application in fact is giving jurisdiction to the courts to interfere with that, because on the question of priorities and on the question of principles, it says there may be one higher priority—that's the dependant's needs—which may be affected; it gives the court jurisdiction to interfere with the testator's wishes. That certainly has to be kept in mind.

The second thing I would like to say is that it appears to me that as lawmakers, which we are, what the member for Carleton

East is suggesting is the law as it possibly should be or the law as we would wish it to be. Unfortunately, that's not how the world operates. In many instances the law has to reflect reality. If the law is not reflective of reality or there's too much gap between—

**Mr. Lawlor:** Use an argument like that and I will vote against it.

**Mr. Roy:** I just say to my colleague from Lakeshore, there are many occasions when I am sitting here and trying to follow exactly what he's saying. But I override that; I say "He must mean this," so I go along or I try to follow my own path.

**Mr. Lawlor:** That word "reality."

**Ms. Gigantes:** He has followed you. He is just reasoning.

**Mr. Roy:** But the point that I think is important, and the one that the member for Carleton East must understand, is that if there is too much gap between the law and what is reality, people will not respect the law. So we have to pass laws here which reflect what reality is.

Many of us who have had experience in family law, in marital relationships and things of this nature have come to the conclusion, as the member for Lakeshore has, that a point is reached where the husband or wife, one of the spouses, says: "Look, in these circumstances I feel that the conduct is such that it does not bind, that in fact it is a denial of my responsibility." I appreciate that subclause (xii) is offensive in some measure, but that is a fact of life and in fact this deals again with the wishes of the testator. Secondly, in my opinion we have gone as far as we can the other way when we talk about "obvious and gross repudiation," and I would hope that the cases would not limit obvious and gross repudiation to some of the case law or jurisprudence that the Attorney General has read about, because that obviously would require something that would be a bit much.

Basically, I am saying that I cannot agree with the amendment as proposed by the member for Carleton East.

**Mr. Chairman:** Any further comments? The member for Lakeshore.

**Mr. Lawlor:** On the same section but a different matter.

**Mr. Chairman:** I probably should deal with the amendment that is before the committee at this time then. It has been moved by Ms. Gigantes to delete section 69, subsection (1) clause (a), subclause (xii).

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.  
I declare the motion defeated.

**Mr. Lawlor:** Just one short question on a possible subclause (xvii): One of the briefs that came in to us—it may have been the Bar Association group—mentioned tax consequences as one of the possible considerations. Did you consider that? Since you have left it out, why did you omit that?

**Hon. Mr. McMurtry:** We have considered the issue of tax consequences. I know I have had some correspondence with the federal government in this respect, and perhaps some of my staff may be able to assist me in a moment with respect to how that matter was resolved, if it has been resolved.

I am advised that the courts now take into account the matter of tax implications and that it is not, therefore, necessary to include a specific provision in the bill.

Section 69 agreed to.

Sections 70 to 78, inclusive, agreed to.

On section 79:

**Mr. Lawlor:** This section is worth its weight in gold. For years lawyers, in their peculiar ingenuity, have set up all kinds of devices whereby to frustrate the operations of the Devolution of Estates Act and the Dependents Relief Act, but particularly the Devolution of Estates Act, as to cutting people out to whom they owe obligations during their lifetime. They set up trusts and then they make designations under pension plans, and they make designations under the Insurance Act—there's a whole host of measures which we, in our backward way, always plumed ourselves upon knowing about and on occasion using.

It has now got through to the Law Reform Commission and to the Attorney General's department that these dreadful things were going on out there, and the door is being closed on a host of these machinations to defeat people who are deserving and in need, and who would otherwise have a claim upon an estate. I commend the Attorney General on this section.

Section 79 agreed to.

Sections 80 and 81 agreed to.

On section 82:

**Mr. Lawlor:** The inevitable question: Why? When the legislation was introduced, the sum for removal into the Supreme Court was \$10,000 and it has been doubled. I know it is a numbers game kind of thing, but I think some explanation should be given for the record.

[3:45]

**Hon. Mr. McMurtry:** As the hon. member for Lakeshore knows, there is something

rather arbitrary about picking the figure \$20,000 as opposed to \$25,000, for example. Obviously, what was considered was the matter of inflation since the figure was legislated. I'm advised that this figure reflects provision in the Surrogate Courts Act which provides that administration of an estate can be moved up under the Surrogate Courts Act only at the figure of \$20,000.

Section 82 agreed to.

Sections 83 to 88, inclusive, agreed to.

On section 89:

**Mr. Lawlor:** Just a word on this. As in other sections—but I'll bring it up here—on second thought, or maybe it's fourth thought, the minister has removed the step-parents, step-brothers, the "step" relationships from this particular form of compensation for victims of crime, and elsewhere in the statute. I'd like to hear the minister's comment on that. Was it under the impress of the law society or the bar association that the minister did that?

**Hon. Mr. McMurtry:** I don't know. I'll see to it, Mr. Chairman. I don't recall the history of that. Hopefully, I'll have that information for the hon. member in a moment, if it's available.

**Mr. Lawlor:** If I may, Mr. Chairman, I would like to say a word in the meantime. There was a lot of protest about it coming from all kinds of sectors in the community, that it was extending the range of people protected under this legislation; under the Perpetuities Act, under the support obligations and in a whole host of areas just a little too far into the "step" field. There was great objection taken and I assumed that the Attorney General saw the wisdom of removing it, which I think was wise.

**Hon. Mr. McMurtry:** I think the hon. member for Lakeshore is absolutely right. I had forgotten the controversy, but I am advised that the step-relations section was criticized as being far too broad, particularly where step-children and step-parents were covered. It was in response to criticism which was considered to be justified that "step" relations were removed.

Section 89 agreed to.

On section 90:

**Mr. Lawlor:** One final whack at this legislation. One could, as I think the Attorney General would appreciate, give a little dissertation on the Perpetuities Act, that recondite old chestnut that kept us up all night on many occasions.

**Hon. B. Stephenson:** Patrick, you do that so well.



**Mr. Lawlor:** The Perpetuities Act says something about that the state can vest, but it has to be within life or lives "in being" past 21 years. If individuals under a will fall outside that period, and they're trying to bring—this has to do with illegitimate children and with unborn children and the rule of Whitby and Mitchell in the courts, I won't go into it. You've had a certain amount of flak about tampering with this ancient and almost sacrosanct rule in this legislation, but I respect your temerity and never your timidity.

A further comment if I may. I would think it would be highly beneficial if this legislation, since it's moving through today, could go to third reading immediately and become law.

Those whose main task in this life, or for whom one of their main tasks is to draft wills and testamentary documents of all kinds—and they're not just lawyers out there who are concerned in this field, but the whole of the trust industry and whatnot—have been calling for the passage of the legislation.

The last section 91, prolongs the agony up to March 31, 1978. I would think January 2, 1978, would do everyone just fine. I know the Attorney General has some misgivings about that. But I think that date should be moved and prolonged no further.

Section 90 agreed to.

Sections 91 and 92 agreed to.

Bill 60, as amended, reported.

## CHILDREN'S LAW REFORM ACT

House in committee of the whole on Bill 61 An Act to reform the Law respecting the Status of Children.

Sections 1 to 3, inclusive, agreed to.

On section 4:

**Mr. Lawlor:** There is such a mess of bills before us today, Mr. Chairman, that one has to refresh one's memory.

Section 4 says, "Any person having an interest may apply to a court for declaration that a male person is recognized in law to be the father of a child or that a female person is the mother of a child."

Is there any difficulty on the female person's side of the matter being the mother of a child? Why is this given, therefore, specific mention?

**Hon. Mr. McMurtry:** I am sorry, Mr. Chairman, I didn't hear the question.

**Mr. Lawlor:** It has to do with subsection (1) of section 4, saying there may be a declaration as to fatherhood and as to motherhood. I question the necessity of the mother-

hood provision. Is there any problem there that that should be imbibed.

All the rest of the sections as we go through them make specific or almost exclusive reference to proving paternity, but there doesn't seem to be much difficulty on the maternal side.

**Hon. Mr. McMurtry:** With respect, Mr. Chairman, I know that such a well-read gentleman such as the member for Lakeshore would be familiar with some of the great novels that have been written when the whole issue of maternity was the crux of the plot. While it may not normally be as common an issue as the issue of paternity, obviously it could be an issue and a very important one. I am further advised that this was requested by the wills and trusts section of the bar association.

Section 4 agreed to.

On section 5:

**Mr. Lawlor:** It says at the end of 5(1), "Any male person may apply to the court for a declaration that a person is his child." That is commendable and a breakthrough, and had been asked also by the bar people. I mention it because it is, I think, a little extraordinary. But the very fact that it is brought into the legislation and said explicitly in this instance is helpful in that kind of action.

**Mr. Roy:** Yes, you got it on the record. Good for you.

Section 5 agreed to.

Sections 6 and 7 agreed to.

On section 8:

**Mr. Lawlor:** I just want to make mention of section 8 subsection (3), on page 4. This is where there are two possible fathers, or more for that matter. All presumptions go out the window at that particular point. I think that should be pointed out.

Section 8 agreed to.

Section 9 agreed to.

On section 10:

**Mr. Roy:** The Attorney General will recall that at the time we discussed this bill on second reading, the party on this side made certain comments about how we felt this legislation certainly was progressive and that in the main we were supporting the legislation. But we did have some reservations about section 10, the whole tone and approach taken in section 10. It states that a party to the parentage action can make an application and the court can give him leave to obtain blood tests from such persons as are named and an order granting leave to



submit the results of this evidence. We had expressed concern that once that was done subsection (3) then allowed the court to make a certain inference if a party refused to submit to such a blood test.

I must say I have had occasion since that time to discuss this matter with the Attorney General and I have had occasion to discuss it as well with my colleagues. It appears that our original concern was simply that if the blood test, being what it is, only shows that one is not the parent, it cannot show that one is the parent, we felt that to give the court the power to draw an inference which scientifically a blood test could not, was going too far.

What was happening was that if one in exercising his civil rights said, "I will not submit to a blood test," just as someone may say he will not submit to fingerprint tests or something of this nature, the court would then proceed to make a conclusion which, had he submitted to the test the test could not.

We were seriously concerned about this. On further discussions with the Attorney General, he gave the example where in a paternity suit a person denies he is the father and says he will co-operate. He says, "I want blood tests of various persons"; including the mother in this case where she is the applicant.

I suppose it could go the other way, but I suppose in practicality it does not. If the mother at that point refused, he would find himself in a difficult situation in saying, "I've got this order for a blood test which I am convinced will show that I am not the father. Yet I am not able to obtain this evidence because the applicant is refusing." I can see that as a situation, certainly, in which the court should at that point have the right to draw such inference as it thinks appropriate.

I still have concern about the section in spite of that caveat. I have difficulty envisioning a situation where that would happen and the applicant would refuse to go through a blood test, although certainly it is possible. When we are passing laws, we should have all circumstances, even the most improbable ones in mind. To cure that particular problem, then, we have to go so far on the other side; I suppose that's one of the evils of the whole process. I think it was clear from reading the Law Reform Commission recommendations that one could save a lot of time and save a lot of effort through the question of blood tests in these applications. In making a decision, the court should at least have all scientific and all medical evidence available to come to that type of conclusion.

I must say at this time that on this side at least we will not oppose the passage of this section. We do so with a certain amount of reluctance. I naturally have great concern about the trampling of civil liberties in the conclusions that the court can come to if one is enforcing his rights; but the fact is, it seems to me, that the highest interest that has to be served, because that is the whole purpose of this legislation, is the right of the child. On that basis, we are on agreement and we will not oppose this section.

Section 10 agreed to.

Section 11 agreed to.

On section 12:

[4:00]

**Ms. Bryden:** Mr. Chairman, I may say we're very glad to have this legislation, at long last, clarifying the position of children generally in their status before the law. It's long overdue.

But on section 12(2) I have a question. I notice that any person "having an interest" may inspect the statutory declaration of paternity by anybody who is chosen to make such. Yet further down, in section 14, it says "any person"—it doesn't say "with an interest"—"may inspect a court order regarding paternity."

I just wonder what is the reason for restricting the inspection of the first declaration to a person with an interest. It seems to me there may be situations where, in order to avoid litigation, somebody might wish just to make a simple declaration of paternity. The other persons who might have an interest and are not sure whether they have an interest might then wish to inspect that to see what the declaration said.

There could also, I would think, be the possibility that an adopted child, who has a presumption that a person is his or her father, might wish to inspect such a declaration. It seems to me that that should be available to them if they so wish, the same way as a court order which has established paternity would be available under section 14(2).

**Hon. Mr. McMurtry:** The hon. member touches on the heart of the matter. Section 14 is a court order and therefore would necessarily be open to public inspection, whereas a declaration under section 12 is considered to be really a private matter. It is not a public document in the same sense.

**Ms. Bryden:** Can you explain to us why it should be a private matter when the other one is made public, particularly in the case



of an adoptee who might wish to obtain this information?

**Hon. Mr. McMurtry:** Obviously if it is the result of a court proceeding it must be a public document. So far as document records are concerned they are not public documents.

As a matter of fact, section 1 of this Act provides that adoption is regarded as if the child were born to the adoptive parents. There may well be circumstances whereby the adoptee, for example, would be an individual who would have an interest in the matter. I think the section, as I understand it, is to encourage people in special circumstances to make such a declaration and to file it in the office of the registrar general. I would think that this intention would be defeated if it were known that this would be a public document and would be open to just curiosity seekers as opposed to people with a legitimate or relevant interest in the matter.

**Ms. Bryden:** Could the minister clarify what an interest means in this legislation? There may be a technical understanding of it, but perhaps he could clarify it for a non-lawyer.

**Hon. Mr. McMurtry:** An interested party or someone having an interest is something that has been interpreted and continues to be interpreted by the courts; I suppose, for example, people who wish to be represented by counsel at a public inquiry. Interested parties; it's usually interpreted to mean, and I can't, off the top of my head, recall the precise definition, but people who have some substantial interest in the matter, is probably the best way to interpret what an interested party means. It usually has to do with a substantial, significant interest. Maybe I'll be provided with a more precise definition.

In this particular section, I'm advised that an interest means a legal interest in relation to administration of estates. Obviously, executors would have a legal interest, or as I said a substantial interest. I'll continue to read these definitions as they're provided to me, Mr. Chairman.

It doesn't mean someone who is a curiosity seeker. It involves someone who stands to benefit financially or otherwise by finding out the information. I don't think I can assist the hon. member any further than that.

**Ms. Bryden:** Mr. Chairman, that might then be the difference between whether an adoptee seeking to find out about his parentage is a curiosity seeker or has something to gain.

**Hon. Mr. McMurtry:** Of course, it would depend on all of the circumstances. I guess it's a matter that's going to be for the discretion of the registrar general and hopefully it will be applied in a rational way.

**Ms. Gigantes:** I don't know if this is the appropriate place to raise my question. It's a question stemming from general ignorance on my part about the whole subject.

Can the Attorney General tell me what protection a woman has against the declaration by any man that he is the parent of the child she has borne?

**Hon. Mr. McMurtry:** The question has to do with whether somebody would have an interest in falsely claiming paternity. I could see where someone might be more interested in benefiting as the father of the child as opposed to establishing a relationship with the mother. This is another reason for not making this a public document. You don't want to encourage people to file these statutory declarations in a frivolous way simply to embarrass the child or a mother.

It doesn't give the man who files such a declaration any legal rights and it's something that could only be used against him under section 9. But the purpose of the section is for people who feel they want to protect the child, people who, for any number of reasons do not want to make a public declaration but do want to protect the child with regard to any claim against the estate that might be made by the child.

I don't have the answer as to what the results might be of somebody filing a declaration for some frivolous or malicious reason. My only reply is that it's not a public document. If it's not going to be used against the individual who files, it wouldn't be used any more seriously than somebody who wants to stand up in the city hall square and claim to be the father of Prince Charles. There's nothing to prevent people from making ludicrous assertions. What we're simply trying to do is provide a mechanism which will be to the benefit of children; which will have some legal effect, not in favour of the individual who files the declaration but may be used against him or his estate.

Section 12 agreed to.

Section 13 agreed to.

On section 14:

**Mr. Deputy Chairman:** Hon. Mr. McMurtry moves that section 14(1) of the bill be amended by striking out the words, "makes a finding of parentage or that is based upon a recognition of parentage," in the fourth and fifth lines, and inserting in lieu thereof, "confirms or makes a finding of parentage."



**Hon. Mr. McMurtry:** The purpose of the amendment is to make clear that the words, "based upon a recognition of parentage," as used in the present bill, refer to a confirmation of parentage under section 4 of the bill and do not refer to orders based upon presumptions as set out in section 8 of the bill. It's really just a matter of clarification.

Motion agreed to.

Section 14, as amended, agreed to.

Sections 15 to 26, inclusive, agreed to.

Bill 61, as amended, reported.

### MARRIAGE ACT

House in committee of the whole on Bill 62, An Act to revise the Marriage Act.

Section 1 to 6, inclusive, agreed to.

On section 7:

**Mr. Deputy Chairman:** Hon. Mr. McMurtry moves that section 7 of the bill be amended by striking out the word "is" in the third line; and inserting in lieu thereof, "lacks capacity to marry by reason of being."

**Hon. Mr. McMurtry:** This proposed amendment is to satisfy certain persons who have made representation on behalf of the Association for the Mentally Retarded, indicating that they should not be deprived from having a licence issued, assuming they have the capacity. What we are trying to accomplish here, Mr. Chairman, is to deprive of a licence only people who lack capacity to marry. Again this would coincide or harmonize with the federal legislation in this respect, and make it clear that what we are dealing with here is a matter of capacity as opposed to a matter of mental retardation.

**Mr. Roy:** Mr. Chairman, I would certainly support that amendment. It is far more sensible than the way it read before. Before one could come to the conclusion that because of one being mentally ill, or even believed to be mentally ill or mentally defective, that that in itself was an impediment or an absolute bar to marriage. This is much more sensible, much more reflective of sensibilities of a particular group within our society, and I would applaud the amendment and support it.

**Mr. Lawlor:** I don't know if it helps all that much, but if the association thinks it does, I bow. The point is that the issuer of a licence has to make some kind of estimation. I suppose if the applicant is staggering all over the office, he would say "come back tomorrow if you want to get married"; or if certain external conditions of the eyes or nose or throat indicate drug abuse—whether

that does, I am not sure; that's the whole point. When is an issuer going to be able, except under very overt circumstances, to assess the situation?

I don't see how that's particularly rectified by this bill. Standing at a wicket, the issuer looks at the guy, and the guy starts to talk, or the woman, and they start to speak in somewhat bizarre fashion. They may be exhilarated at the thought of getting married or something but in any event—

**Ms. Gigantes:** Drunk with happiness.

**Mr. Lawlor:** —they speak perhaps a little like I do in this House—

**Mr. Roy:** I thought you were speaking about a personal experience.

**Mr. Lawlor:** Who would know just what's going on inside there?

**Hon. Mr. McMurtry:** Good thing you are already married.

**Mr. Lawlor:** It gives me pause on occasion, and I am privy to the fact. Who am I to judge? The thing was the stigmatization of an individual as being mentally ill and being judged by someone who is incompetent on their side of the fence to know whether they are or not, and refusing the licence in these circumstances. That was the problem, and the problem, as far as I can see, remains—modified, swaddled, but there it is.

Motion agreed to.

Section 7, as amended, agreed to.

Section 8 agreed to.

On section 9:

**Mr. Roy:** Mr. Chairman, on section 9 in the context of this Act, as compared to the Divorce Act, I am trying to understand how, looking at the section, if one alleges that a spouse has been absent for at least seven years—I suppose that the point I want to make to the Attorney General is that under a section of the Divorce Act separation for a period of three or five years is grounds for divorce. I am just wondering at the duplication. I wonder if that has been looked at by your officials. Are you not in a position of having two remedies should the spouse be deemed to be absent? You know, this now happens more and more in society. Couples are coming forward and saying, I haven't heard from her or from him for three, four or five years.

The procedure under this section seems to be much more summary than the procedure under the Divorce Act, where one would have to go through the divorce procedure.

I am not saying that is necessarily a bad thing. Under the Divorce Act, one has to go through the whole procedure of issuing a



petition and then publishing it and that whole rigmarole. Yet, a judge can crank out 75 divorces in one morning. It is pretty much a rubber-stamping operation in any event, but this appears to be a much more summary procedure.

**Hon. Mr. McMurtry:** Surely it's desirable.

**Mr. Roy:** Yes, I would think it is desirable to have it. I suppose it's not the first time where an individual, faced with a particular problem, has had more than one way to remedy the situation, both at the federal level under the Divorce Act and under what we call the Marriage Act. I am wondering whether that was kept in mind and whether we are passing this section because the procedure under the Divorce Act is too cumbersome.

**Hon. Mr. McMurtry:** Mr. Chairman, certainly it is desirable that for a party who for very good reasons, perhaps for religious convictions, may not want to get a divorce, this remedy should be open to them. As has been pointed out by the member for Ottawa East, this is a much less cumbersome method of obtaining a declaration or an order which will simply not annul a marriage—because we have no constitutional authority to pass such legislation—but will allow a person to marry again without the fear of committing bigamy.

Really, what we are dealing with here, I suppose, is a situation where this legislation is restricted to the issuance of a licence only. I suppose a party would want to consider whether there will be satisfaction with this relatively summary relief, which only allows them to obtain a licence and get married. If a person proceeds under this legislation, and the first spouse reappears, then that second marriage would be deemed to be void. So in certain circumstances it might be desirable for an individual to go under the provisions of the Divorce Act. It really is an alternative way of proceeding where a person is reasonably satisfied that the spouse is in fact dead. As I understand the law, the first marriage would still be considered to be in force if the spouse reappeared.

**Mr. Roy:** That is what bothers me in today's society; that an order can be given—if that is what you are saying—by the court, saying: "We are now making a presumption that the spouse is dead." One remarries and then the first spouse appears and the second marriage is considered void. Is that what you're saying if one proceeded under this section of the Act?

**Hon. Mr. McMurtry:** It's my understanding that it's only a presumption and a rebuttable presumption. Obviously a presumption of

death must be a rebuttable presumption, if the person presumed dead reappears on the scene.

**Mr. Roy:** That's just the point. I suppose any lawyer worth his salt will say, "I think the safest method to proceed is probably under the Divorce Act." You're saying some people's religion may be an impediment to proceeding by way of divorce, although that's becoming less and less a factor. I just found it interesting, reading that section referring to when a married person whose spouse is missing alleges that the spouse has been continually absent for at least seven years. It happens quite often that a spouse is absent.

**Hon. Mr. McMurtry:** A long holiday.

**Mr. Roy:** One takes a summary motion, under this. You get a situation where the spouse, now having been absent for seven years, is presumed dead and then reappears. Of course there's a problem. The marriage he has gone through is now no longer valid. I would suggest that an individual who was faced with that problem would be a lot safer to proceed under the Divorce Act, because at that point there is no question about whether the spouse reappears. It's a very common situation where you have people coming into law offices saying, "I don't know where he or she is. I haven't seen him for five, seven or 10 years," or whatever.

I appreciate that this summary fashion is more expeditious, but from a practical point of view it just appears to me that you're allowing something to be done which sometimes in the long term is not that practical.

**Hon. Mr. McMurtry:** I should just point out to the members that this is not new. As I understand it, it's in the present Act. To this extent we're just incorporating it. The only reason for this section 9 is to provide an alternative. As the member for Ottawa East points out, it is not a totally satisfactory alternative. Perhaps it is a risky alternative, but it is one that is available for people who simply do not desire a divorce.

**Mr. Roy:** I would make a suggestion to Attorneys General down the line. I can't presume you're going to be Attorney General during that length of time, but presuming you are, or presuming some of my colleagues here are, it appears to me the situation will change, if they do the amendments that are proposed on the long term on divorce, that is to make it simpler, and based on the question of marriage breakdown for whatever reason, so that we get away from the situation of having to go through a petition and the whole thing, and take it away from the

judges. As I mentioned to the Attorney General, it appears to me that it's pretty much a rubber-stamping operation.

If a judge can go through 70 to 75 divorces a day, he's hardly getting into the evidence at all. If the procedure to get a divorce becomes much simpler, this type of legislation, in my opinion, would not be necessary. What I'm trying to say is that we should not get involved with legislation which somewhere down the road may backfire on the individual. In other words, we shouldn't open a door for him which further down the road may well close on his face.

We shouldn't be presuming people are dead who in fact are not dead. We shouldn't be allowing someone to get involved in a form of marriage which very shortly down the line may be declared invalid. That's all I'm saying.

Section 9 agreed to.

Sections 10 to 38, inclusive, agreed to.

Bill 62 as amended, reported.

[4:30]

#### SURROGATE COURTS AMENDMENT ACT

House in committee of the whole on Bill 65, An Act to amend the Surrogate Courts Act.

Sections 1 to 3, inclusive, agreed to.

On section 4:

**Mr. Lawlor:** I had a discussion with one of the most distinguished members of the bar. I didn't understand a single word he said. However, I am not pressing the amendment that I originally brought before the House.

Apparently, just to be a little more sensible, there is a committee that is sitting with respect to the surrogate court devising the rules. What I was proposing more or less was retention of the existing inventory or what I thought was actually preferable, namely a more extended and detailed inventory rather than a lesser inventory, because of the very stern strictures that are exercised in that particular court.

We are speaking of a will, after all. The individual who made it is dead and can't speak for himself; so the judiciary and the court officers pay very close attention to every jot and tittle that comes before them. Even those highly equipped in this field who do nothing else but this kind of surrogate court work almost invariably have all their documents returned to them for some amendment, et cetera, or some nicety of wording.

Since that is the case, I suspect it is better not to move in where angels wouldn't tread and to let the regulations as they proceed govern the situation. When they come out, as a result of the report of this particular committee, we will have a chance to peruse them and we will take it from there.

**Hon. Mr. McMurtry:** I think that is a good suggestion. If we are not satisfied with the rules and regulations, we can certainly consider an amendment.

**Mr. Sargent:** The Attorney General is scoring already.

**Hon. Mr. McMurtry:** Obviously there are occasions whereby it is in the beneficiaries' interests to compel a detailed inventory.

Section 4 agreed to.

Sections 5 to 8, inclusive, agreed to.

Bill 65 reported.

On motion by Hon. Mr. McMurtry, the committee of the whole House reported three bills with amendments and one bill without amendment.

#### THIRD READINGS

The following bills were given third reading on motion:

Bill 60, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Bill 61, An Act to reform the Law respecting the Status of Children.

Bill 62, An Act to revise the Marriage Act.

Bill 65, An Act to amend the Surrogate Courts Act.

**Mr. Speaker:** The hon. member for Durham East (Mr. Cureatz) is required to introduce his bill today for debate in two weeks' time. The member is therefore seeking unanimous consent to revert to introduction of bills. Is it agreed?

Agreed.

#### INTRODUCTION OF BILLS

##### PLANNING AMENDMENT ACT

**Mr. Cureatz** moved first reading of Bill 89, An Act to amend the Planning Act.

Motion agreed to.

**Mr. Cureatz:** Mr. Speaker, in regard to my private member's bill I will reserve my comments until the introduction on a Thursday in two weeks' time.



## ORDERS OF THE DAY

## MUNICIPAL AMENDMENT ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough, moved second reading of Bill 40, An Act to amend the Municipal Act.

Mr. Ashe: The proposed amendments to the Municipal Act add two further types of money bylaws to the list of money bylaws which do not require the consent of the electorate. These are bylaws for acquiring land for housing purposes and bylaws for the construction and reconstruction of highway pavements and bridges. In addition, it is proposed that when a property owner makes partial payment towards tax arrears, payments shall first be applied to the interest or percentage charges, then towards that part of the taxes longest overdue.

At the request of the municipalities, we are broadening the per diem system of remuneration for members of council. In that regard, Mr. Speaker, after approval of second reading I will be moving that we proceed into committee of the whole House to consider further amendments to section 2 and section 6 regarding the per diems; and also to transfer certain provisions from the Municipal Elections Act to the Municipal Act.

Mr. Swart: Mr. Speaker, I rise to say that in general I and my party support these amendments to the Municipal Act. Most of them, in fact I guess all of them, are rather minor amendments, and they are desirable amendments. However, there are a couple of them on which I want to make a few comments.

The amendment which is being proposed by the parliamentary assistant refers to the Municipal Elections Act, 1977. That's where the amendment is to add section 47 to the Municipal Act. Subsection 1 states in the last part of the paragraph: "And a new election shall be held in accordance with the provisions of the Municipal Elections Act, 1977."

We have no disagreement with the principles of that amendment, but it seems rather strange that it's going to be subject to the Municipal Elections Act, which has not yet been dealt with in this House. Therefore, for that reason alone, I would suggest that the committee stage of this bill should not take place until after we deal with the Municipal Elections Act so we know what is in the Municipal Elections Act.

As the parliamentary assistant probably knows, I have some 20 to 25 amendments to move to the Municipal Elections Act, and it seems to me that this House should deal with that elections Act and decide on it before another Act is subject to it. So this seems

in reverse, and I would ask that the committee stage of this bill not proceed at the present time. I would suggest that there is no more urgency for it to proceed to committee stage now than there is with the Municipal Elections Act; in fact, much less reason.

The second item that I want to discuss, briefly, is section 7, which makes it possible for a municipality to spread the payments for road-making machinery over a period of 10 years rather than five as at the present time. What we in this party object to is the retention within the Act of the five-year limitation for purchasing machinery and appliances for the purpose of the corporation.

We think that is an unrealistic restriction to leave in the Act in this day and age. Appliances can amount, I suppose, to a few hundred dollars, and appliances can now also amount to several hundreds of thousands of dollars if we're talking about computers. In addition to that, there is the custom now—and I think it is a very desirable custom in municipalities—where they will group together a number of expenditures which are subject to debenture. One of those might be an appliance and, therefore, they would have to pull it out, whereas the whole package should be dealt with in the one debenture.

If there is concern on the part of the parliamentary assistant or the Treasurer and the Minister of Intergovernmental Affairs (Mr. McKeough)—a concern which I don't share, incidentally—that municipalities somehow or other won't be responsible, that they will debenture small things over too long a period of time, there is now a section of the Municipal Act which covers that, section 288. It provides for limitations on the length of debentures for various things, and, as a matter of fact, the subsection (c) of section 288 states that it shall be made payable if it is for the purchase of road-making machinery and appliances, in five years. So, in fact, that is already in the Act, and we don't need another amendment here. We simply need to take out that section.

But the final subsection there, subsection (d), gives the necessary protection, where it says if the debt is for any other purpose, "in such term of years that the Municipal Board may approve." I suggest that to leave in the five years is a bit of paternalism that municipalities don't really need in this day and age.

That other section of the Act is surely sufficient to give any protection that is deemed necessary by the government of this province. To leave in this five-year clause is an insult—maybe a small one but still an insult—to local government in this province. Therefore, we will be moving in the committee stage an amendment to change that, to delete the (b) section of that, and take out the five-year



term in the (c) section so that the municipalities will be able to operate under section 288 of the Act.

[4:45]

It is, of course, necessary—and I would agree with the parliamentary assistant—to have a clause in there, because that is the clause which authorizes a municipality to conclude those kind of agreements and make those kind of purchases. But to say to them, on these things: “How do we determine what is an appliance?” To say that somehow or other we’re going to watch over their shoulder to see that they don’t debenture something for 10 years which we think should be debentured only for five, is a degree of supervision that is not necessary to municipalities at this period of time and this period of sophistication.

I would suggest that this bill go to the committee, as of course it will, but ask that consideration of this bill be postponed in committee hearings at this time until we deal with the Municipal Elections Act. If that is not acceptable to the parliamentary assistant, would he consider postponing it for a very short period of time, if for no other reason than that I have to catch a train and leave here in about 10 minutes. Obviously, I’d like to be here to deal with the amendment.

**Mr. Ruston:** When the House is open, you’re supposed to be here.

**Mr. Epp:** Mr. Speaker, I would have thought that the member who just preceded me would have had his own plane waiting for him; but I guess not today, maybe one of his colleagues has it.

**Mr. Foulds:** Not government yet; next time around.

**Mr. Swart:** I’m not Eddy Sargent.

**Mr. Epp:** Thank goodness. Mr. Speaker, I rise to give support to this bill in principle. I’m cognizant of the amendment the member has made to this bill. I would like to hear a response from the parliamentary assistant to the Treasurer, giving reasons why the five-year limit is included. We feel this and other Acts should be streamlined to eliminate items like five-year limitations and so forth, which are unnecessary. It’s going to take civil servants a few days to work on these things and check municipalities. We feel that municipalities should have as much autonomy as possible. I would like to hear a good reason why it should be included.

I’d like to draw the parliamentary assistant’s attention to section 388(1)(b), as set out in section 6 of the bill, where it says: “A by-law passed pursuant to this clause may de-

fine a class or classes of meetings in respect of which a per diem rate may be paid and may authorize payment of a per diem rate only in respect of such class or classes of meetings.”

Where possible we should not have per diem rates. People should be paid on an annual basis, whether it’s \$200 or \$4,000 or something of this nature, instead of giving them reasons to call meetings merely to collect \$35 or \$100. I know that’s being done by people across the province who are having very short meetings, a half-hour or an hour, and collecting their per diem rate. The ministry should seriously look at this and try and correct the problem.

Another solution might be to give members of committees an annual fee, deducting a certain amount if they are absent for more than 20 per cent of the meetings. That’s a much more equitable way of approaching matters, rather than paying them on a per diem basis. There are a number of other items for which we think amendments are long overdue. We will support this bill and await the comments by the parliamentary assistant regarding the item the member for Welland-Thorold has raised.

**Mr. Ashe:** Mr. Speaker, I appreciate the comments from the hon. member for Waterloo North and I will attempt to answer some of the concerns brought forward by the hon. member for Welland-Thorold.

There’s no doubt as to what he indicates relating to the Municipal Elections Act, 1977. As the House is quite aware, it has only received first reading and will, hopefully, be discussed in second reading one week from today.

We don’t really see any problem in leaving it as it is, albeit for a temporary period of time there is somewhat of a duplication. But if that is really the theoretical problem that the hon. member has with reference to the Municipal Elections Act, 1977, we would have no problem changing that in committee to read: “the Municipal Elections Act, 1972,” so that when the amendment is made it becomes “the Municipal Elections Act, 1977” next week. I understand that it will automatically apply in any event, so I don’t think that’s really a valid reason why second reading and approval, hopefully, in committee can’t go forward today.

**Mr. Foulds:** There is no committee today. It’s not on the House leader’s order of business.

**Mr. Ashe:** I thought it was. I guess I got some wrong information.



In any event, as far as the reference to section 288 and 455 is concerned, may I point out, please, that the two sections really do not speak exactly to the same issue. I find it somewhat inconsistent, and the hon. member for Welland-Thorold agrees. Specifically identifying a period of time, as in section 288, of 10 years and then saying, under section 455, there should be no time period referred to at all, is somewhat inconsistent.

We think, there should be some relevance and some fiscal and financial responsibility that is identified in that particular section. On the actual differences in the sections, albeit they are referring to road-making equipment and appliances section 455 also deals with lease purchase arrangements which are not dealt with in section 288. So, although they do refer to road-making equipment in its broadest sense, section 455 goes into an area that is not referred to in section 288. Therefore, the point made by the hon. member for Welland-Thorold that section 288 would apply in the reference of 10 years, we do not feel that that is so. Hence, we feel that the proposal for the amendment to section 455 as proposed should be, and hopefully will be, passed by this august body.

I might also point out that the amendment proposed—

**Mr. Warner:** Is that the only time you sit here?

**Mr. Ashe:** —by the hon. member for Welland-Thorold in itself is somewhat ambiguous. It would leave us, with the approval of that particular motion, with a section 451(1) that reads, "subject to subsection 2," when his own proposed amendment proposes eliminating subsection 2.

**Mr. Swart:** We have changed that. There will be an amendment tabled.

**Mr. Ashe:** There hasn't been much foresight in that particular motion. So we would hope that the members of the Legislature would consider those observations when we come to committee and see the relevance and the appropriateness of leaving the two references to the five and 10 years in section 455.

Motion agreed to.

Ordered for committee of the whole.

## JUDICATURE AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 77, An Act to amend the Judicature Act.

**Mr. Deputy Speaker:** Does the hon. minister have any opening statement?

**Hon. Mr. McMurtry:** No, I have nothing to add to what I said on the introduction of the bill.

**Mr. Roy:** We are faced this afternoon with a series of amendments to the Provincial Courts Act, the County Judges Act, the Judicature Act and the Small Claims Courts Act. This first bill, Bill 77, is another amendment to the Judicature Act. I will have some more pertinent comments when we get into some of the legislation, especially the Provincial Courts Act and the Small Claims Court Act. I should start off by being the nice fellow and congratulating the minister on bringing forward the amendments under Bill 77.

For some time now, many of us have called for a more reasonable rate of interest on judgements allowed by the courts. We felt that the rates allowed under the Judicature Act—I think it was five or seven per cent—was ridiculous in today's world. The inflationary spiral has affected everyone, I suppose, except litigants who were faced with the constraints of the Judicature Act.

Because of the low interest rate on judgements, there was an incentive on the part of certain litigants, especially as the amount of the judgement kept getting bigger and the litigant was the one who had the finances to pay for litigation, to drag out litigation. With the low award of interest, the cost of litigation would have been less than the cost of the interest that could have been made on this money pending the outcome of the litigation. In other words, one could seriously protract settlement of a case for quite a period of time without fear that the interest would in fact penalize him.

In the compendium that came with this legislation it says that high commercial rates of interest make it extremely profitable for a defendant to delay judgement. In other words, unreasonable delays in obtaining judgement or settlement are very often extremely unfair to plaintiffs. We have talked about this for some time in the House and I am pleased to see the Attorney General and his officials have responded to that by bringing in legislation which conforms with what happens out there in society.

In other words, this is legislation which responds to the commercial needs of a province, of a jurisdiction, which certainly is not operating in a vacuum. The courts and the laws must be responding and must in a sense be the reflection of what is going on in the commercial world.

I am extremely pleased to see these amendments come forward. Now the rate of inter-



est will be considered the prime rate. In my opinion that is only reasonable. I am only sorry that it took so long to see it come forward. Having the legislation before us, I want to say to the Attorney General that we are very pleased to support this amendment.

[5:00]

The other amendment which I find extremely satisfying as well is what is called prejudgement interest. I would hope because of the passage of this type of legislation we will again avoid unnecessary litigation. Where it is going to be important, if I may cite some examples, is especially in motor vehicle cases where you don't have a liquidated amount of damages. You often had a situation where it was to the advantage of the defendant—always represented by an insurance company of course—because of the low rate of interest, to start with, and because of the fact that there was no prejudgement interest, to delay the settlement of a particular case as long as possible and very often to settle at the courtroom door just prior to trial.

For instance, let's say you had a possibility of obtaining a judgement of \$50,000; you felt as a litigant that your general damages and so would be about \$50,000. If the defendant, through his insurance company, effectively delayed this for two or three years and he was getting interest on his money at 10 or 12 per cent or perhaps a higher percentage, which over that period of time might well amount to \$15,000, he was making money. In other words, it was more profitable for him to delay it as long as possible.

The incentive, rather than being for him to settle the action, was for him to drag out the action at least up to the courtroom door, because the costs really start adding up once you get inside the courtroom on trial day. That's when the major amount of the accumulated costs will hurt him—at the courtroom door. The costs even in one of these actions dragging for two or three years, would be much less than the interest he earned on the money he didn't pay.

We have always felt—and I am glad to see the ministry taking the initiative on this—that this was a disincentive to settlement. We feel that this is the type of legislation that we hope will encourage settlement because of this prejudgement interest.

The legislation is made in such a way that there is some flexibility or discretion in the court in awarding interest on these amounts. Again, depending on the type of situation it is, we must retain a certain amount of dis-

cretion in the court. There cannot be a hard and fast rule.

I am sure the Attorney General realizes, as we have pointed out to him often enough—and I think very few people in this province don't realize it—that one of the problems in our courts is the case flow. The high volume of litigation that is taking place is bogging down our courts.

Very often it was laws such as this that encouraged this type of litigation. The passage of this type of legislation, one hopes, will represent another small effort on the part of those of us who are making the laws to try to encourage settlement and to avoid duplication and unnecessary litigation.

It is ironic that this package of legislation makes sense on the one hand in that we are trying to bring forward legislation to avoid litigation. On the other hand, in the other bills that will follow here we are appointing more judges. The answer in the long term—and I think the Ministry of the Attorney General realizes it—is not for us to keep adding bodies and having more judges sitting in our courts; the answer has got to be laws which are responsive and which encourage settlement and encourage parties to resolve their own disputes. That is why I am pleased to see Bill 77 presented to the House.

In my opinion this type of legislation will put a certain amount of pressure on litigants to solve their problems and to settle their cases. Too often—and you hear it from judges—people clog up the process and the courts, not only at the trial stage but also at the preliminary stage where motions are brought for one matter or another.

I am very pleased that at least we here are taking certain steps to avoid encouraging litigants. We should see more legislation of this nature, legislation which will encourage people to solve their own problems so that when they go to see their lawyer there are attempts to resolve their own disputes and settle their cases without unnecessary litigation.

We on this side are pleased to see this legislation. We've called for it in the past and we will wholeheartedly support it.

**Mr. Lawlor:** What my friend has just said is very much to the point and perceptive in the range. It's not going to make any monumental changes. All the legislation we're going to have before us this afternoon and this evening, I suspect, will do little to cut costs. Perhaps in some areas it will a bit.

But it will streamline the process just a little bit, while we are waiting upon Willis-ton's report upon matters of that kind, and cut out some long-lasting anomalies. Anoma-



lies are blockades. They block progress and they add to the costs of litigation because the lawyer, first of all, wants to get paid for knowing where the tricks of the trade are, et cetera, and the modes of drafting. Therefore, it does increase the bill. To get rid of a number of things which we'll discuss, for instance, the distinction between chambers motions and court motions, which are done in different ways and which I will discuss in a few moments, are necessarily all to the good.

Before commenting on this legislation, let me first say that in all of the bills before us today—I think all—we have received compendia. This is a fairly new thing. We have some with respect to the family law that was discussed earlier. The Attorney General is now supplying this background analytical material. We've had not a great deal of time to ingest, digest and, if you will, spew out the rather massive quantity of stuff, closely packed with legal reasoning with respect to the various points at issue in the legislation. It's devoutly to be welcomed and I commend his staff or whoever it is doing this work.

In previous times in this House we hadn't such a document. We went and did the work on our own completely. While we still do that, this really is a help. It's too bad the profession at large wouldn't be privy to documentation and the type of analyses of extant law and the reasons for changing it that obtain in the documents that have been sent over to us in the past few days.

The first matter deserving of mention here is this business of the interest rates, particularly on prejudgements, what interest will run prior to a judgement being reached in the courts. That has been for a long time a thorny issue. We have before us a 27-page compendium of the various thoughts and alternatives in other jurisdictions as far away as Australia, but particularly of the British. We have rejected the British solution on most counts. We've adopted, I think, a somewhat more rational and beneficial solution on count after count.

There is a division to be made as to this interest, but the first point is that they go for prime rate. That fluctuates and that is going to be based upon a Bank of Canada statement, I believe, of the month before, whereas now we have a fixed interest rate concept which is much too low. As has been pointed out, with a low fixed interest rate, it's to the benefit of a defendant to delay and delay an action, to snarl up the courts, to have an enormous backlog awaiting trial and not wanting it to go on, using every trick in the book to escape judgement because he can use this money in the mean-

time. He would be paying out at five per cent and he can be lending, I suppose, at 24—certainly at 12—without any difficulty. So it's all in his own interest to play it out.

The other way around it is interesting. If the interest were too high it very well might be in the interest of the plaintiff to delay the proceedings. What is sought here is some kind of medium, some kind of objective criterion which will never be too high nor too low, based upon the prime rate to those best borrowers that the chartered banks and lenders accord to those particular customers, and working it off that particular base.

Having reached that there is the problem of how is this to be calculated, at what date does this interest start to run? When the cause of action started? Or what would the date be? And the bill embodies a distinction, a principle between liquidated damages being largely those arising out of a contract, where the amount that someone owes is calculated. It is in black and white, or easily reached. On that basis the interest will run from the date that the cause of action arose and will run to the date of judgement.

On unliquidated claims, mostly tort claims, personal injury claims, et cetera, where you can't set a quantum without calculations and without a determination—a different date, that is, a date where the person entitled to the money gave notice in writing of his claim to the person liable therefor. That is kind of a compromise solution, or maybe you simply say it is a third possibility.

To give some notion of the quality of documentation we are being given leading into this legislation I just want to read a paragraph at page 15 of the minister's compendia: "If interest began to run in cases involving unliquidated damages from the date of the service of the writ, the notification of the defendant prior to the accrual of interest again him, would be ensured. This solution has been legislative in South Australia. It also applies in England by virtue of a judicial guideline, established by the Court of Appeal in the case of *Jefford versus Gee*. The primary criticism of this date, for the commencement of interest, is that it forces the plaintiff to initiate court proceedings to preserve his right to interest. In the vast majority of cases settlement is made without a writ being issued."

In other words you don't clog up the courts. You do everything in your power to keep the matter out of the courts, subject to settlement and do an act that is no inducement within the rules of those very



courts to attract unnecessary litigation. This provision might unnecessarily increase the administrative costs to the courts, as plaintiffs would initiate proceedings to ensure their right to interest.

In 1975 the Highway Traffic Act, the Fatal Accidents Act, and the Trustee Act, were amended to extend from one year to the period available to a plaintiff in a personal injury case to initiate action. More, the purpose of this amendment was to facilitate settlement without the issuance of unnecessary writs. The date on which a defendant is notified in writing of the claim would seem to be an appropriate, normal date from which interest should run where unliquidated damages are involved. Where a writ was issued and served, this would serve as the notification. The notification may be given by letter or by any other number of means, and settled in that particular way.

When we get into committee we can go more deeply into all the nice, distinctive, situations touching this interest. For instance, should interest accrue to special damages? How do you balance it off? By a nice calculation the minister has done it on a six-month basis as those special damages accumulate—as opposed to general damages, damages for pain and suffering say. Then there are circumstances in which interest ought not to be awarded. And some of them are very intriguing indeed. The subtlety that goes into this legislation wins at least my very considerable regard. Finally, the judge is left to make up his mind as to whether or not interest will be levied in a broad discretionary way.

[5:15]

The second area in which this legislation is breaking new ground has to do with *lis pendens* and cautions. The Judicature Act, section 42, leaves much to be desired as it is now because of the way in which the sections have been interpreted in the past.

For instance, someone—and lawyers have been known to do this—can frivolously or maliciously slap a *lis pendens*, a document which comes to the court and puts a title on land you may own, tying you all up, and there's not a thing you can do about it. You can move before the court and have it vacated, but the judge probably would not be able on your evidence or affidavit alone, to do that *ex parte* or even with the other lawyer. He would have to direct an issue and send it off for trial. Meantime, he's got you hog-tied. People do this fairly often, particularly people who are chagrined over the loss of a real estate transaction or a business deal. "I'll just tie him up," they say.

Curiously enough, our law is such that there are no damages. There's nothing you can do about it. You can't sue him as a result of his action and if you've lost a good transaction because somebody has pulled that trick on you, there is no sanction and no way of rectifying the very considerable monetary loss individuals suffer in this particular case.

It's done fairly often, and I know some lawyers who, if they're unhappy with you, will slap you with a *lis pendens*, or as it's called in the land titles office, a caution, although in land titles there is provision under that Act, and this is another anomaly, that you can sue for damages if it's proven to be unmerited and not to have weight. So try to bring the two rules together. The amendments, substantial amendments, are being made to the Judicature Act in this particular regard.

Again I just want to make mention of the compendium supplied to us under this heading to show precisely what is involved. By virtue of rule 30-22 of the rules of practice, a certificate of *lis pendens* is no longer issued as of right and can only be obtained by leave of the court. The application for leave to issue the certificate may be brought *ex parte*—that is without the other side being present—and is heard by a judge in the county court and by a master in the Supreme Court, although there are formal requirements that must be fulfilled to obtain a certificate, such as the need to include a claim to an interest in land in the writ—and that's not too difficult usually.

In practice, the inquiry before the issuance of a certificate is brief and complete reliance is placed upon the supporting affidavit of the plaintiff's solicitor. I suppose it could go farther and include the affidavit of other people besides that.

The issuer of the certificate does not have the power to inquire into the merits of the case. It's a *carte blanche*; if the affidavit looks good on its face, no inquiry behind it is made. The certificate issues from the court. There is a final sentence here: "There is no effective remedy in damages where the certificate is issued under the Registry Act." That is an area where changes are being made under the revision to the Judicature Act.

The next area of importance under this legislation has to do with the abolition of the distinction between chambers and court motions. Sometimes when legislation comes to us, as this afternoon, you pause and you climb up on the little balcony, and you look over the landscape and you say, "Why on earth wasn't this done a long time ago?" The



legislation is so coercive in its intelligence as to meet absolutely no resistance. And yet, the situation has gone on for five generations and developed.

In the Law Reform Commission report on the administration of the courts, part I, page 199—and prior thereto, of course—some of the distinctions as between these two kinds of motions are set forth and discussed. I'll read from a paragraph in that regard:

"In order that the foregoing enumeration of differences between proceedings held in court and those held in chambers may appear in its proper perspective, the observation may be made that apart from such formal differences as the day of the week on which the motion is returnable, the requirement as to the wearing of a gown—both of these differences applying only in the case of motions heard in Toronto—and the form of the notice of motion and the order, there is usually no practical difference in the way in which contested court and chamber matters are brought and heard in the Supreme Court."

But nevertheless, various different consequences flow from the fact that it is heard one way of the other. Certainly dire consequences flow if you start your motion in the weekly court office in Toronto, when you should have done it in chambers. The whole thing is a nullity and you have to start all over. Or vice versa. That has hung up many a solicitor.

I don't know how they siphon off the costs of these things—the time spent, notices drawn, affidavits prepared, appearances made. I suspect the client, one way or the other, is mulcted in costs as a result of that. A simple technicality, which you would have thought the circumlocution office in Bleak House would have wiped out a half a century ago. If you watch the story of Charles Dickens on late night television, as I often do on Sunday nights, you may have seen an episode which dealt with this. Dickens, of course, was particularly overwrought, because he wasn't a lawyer. If you are, you become somewhat accustomed to living with these things.

That is a major change being advocated, which I think is more properly discussed in depth in committee.

The business of appeals is very interesting. That's being modified in this legislation. The notes that the hon. minister has given us are that, "under section 6 (2) of the Judicial Review Procedure Act, a judge of the high court is given jurisdiction to hear an application for a judicial review where he grants leave on a case of emergency and where application to the divisional court is likely

to involve a failure of justice. It became obvious that it was counterproductive to allow an appeal to the divisional court and a further appeal to the Court of Appeal"—after all, they're the same judges—"after it was heard by a single judge on the basis of an emergency. As a result, section 6 (4) of the Judicial Review Procedure Act was amended in 1976 to make the appeal directly to the Court of Appeal, with leave of the Court of Appeal.

"However, the presence of section 17(1)(c)," the one that's being changed now, "of the Judicature Act was overlooked." Splendid as our counsel is, as searching and mole-like on occasion, even with many of the people in the Attorney General's department sifting through all these interleaving layers of the law, they missed it. You know, it makes me feel bad; even the opposition critics missed it.

**Hon. Mr. McMurtry:** Most surprising.

**Mr. Lawlor:** I know you can hardly place credence in that, but it happens sometimes, and here it is. "As a consequence, the two provisions are contradictory. In such cases, the latter provision would prevail, but to avoid confusion, section 71 (c) should be repealed," and so it is being done.

I won't take a great deal more time on this particular legislation except to mention the council of judges of the Supreme Court. The Supreme Court has been expanded in some of the legislation to 52 judges, I believe. Some of the legislation we have here today is no longer becoming the college of cardinals it once was.

**Hon. Mr. McMurtry:** Don't tell them that.

**Mr. Lawlor:** They can't consort in the corridors without blocking the way. Gradually the theory of collegiality is being warped by the sheer pressure of events and the necessity to appoint more judges to erode the backlog of cases we have. So, they come to the impasse at this stage where they feel that a committee of the judges, for the purposes of the judicial council, would have to be formed to meet from time to time and, as any committee does, report back to the main body, which would convene at least twice a year. The thing is becoming unwieldy and top-heavy at this particular point.

This, you see, is a new move within that particular structure of the courts in order to get something done. It may appear to be a fairly slight piece of legislation but it has a great deal of matter, indeed. Of course, we won't oppose it. We're all in favour.



**Mr. Bolan:** I would like to address myself to certain features of these proposed amendments. Generally speaking, I think the amendments are quite sound. Of course, it can always be said that they should have been brought in many years ago, for that matter. Nevertheless, what with the erosion of time, one learns about our sins of omission of the past and we eventually try to rectify them.

The benefit with respect to increasing the interest on judgements and pegging the interest on a judgement in the manner as set out in the suggested amendment is quite sound and speaks for itself and, really, is not deserving of any more comment.

I think that the significant effect on the prejudgement interest will have to do in the field of litigation, primarily with insurance claims.

As you know, Mr. Speaker, often a claim is commenced for large sums of money, although it is an unliquidated claim at that particular time because the damages have not yet been ascertained. Insurance companies have been known, in the past, to drag their feet when it comes to settling these claims because they know that as long as the money is still in the till, they can keep on lending out that money or doing whatever it is they do with it. I think that when they come to realize, through this proposed legislation, there is no real purpose in delays, because they will still have to pay the interest, then many of the problems we face today, such as the significant clogging of our courts for various reasons—one of which may be the fact that there is quite a bit of foot-dragging by insurance companies on their claims—will lessen. So I think that is one of the significant aspects of this particular amendment.

When I first saw the part of the bill dealing with the discretion of judges in allowing or disallowing increases in the interest rate, I sort of raised an eyebrow at it. However, on reflection, I think it is sound if, for no other reason, than the judge will be able, through this section, to penalize one of the offending parties to the litigation, if there is one, and if there is any foot-dragging relating to it. If a defendant, or for that matter a plaintiff, has done something in the course of his action which either delays the proceedings or does something to prevent it from coming to court in due course, the presiding judge will be able to use his discretion to either lower the interest rate or increase it.

[5:30]

I heard with great interest the comments made with respect to cautions and *lis pendens*. It's quite ironic—I just had a *lis pendens* placed last week on a property in the Parry

Sound district. Although I followed the proper procedure and the proper form, it reminded me once again of how easy it is to tie up a person's land. I certainly agree with the suggestions made by the previous speaker.

Generally speaking, these are sound amendments. Again, we will be able to get into some of the finer points of it. I do have some concern about the exclusions under which interest will not be allowed. However, we will be able to deal with those in their proper context.

**Hon. Mr. McMurtry:** Mr. Speaker, I don't think I can add anything to the endorsements we have heard from the members opposite in relation to the principles of the legislation and their support of those principles, which of course, I welcome.

Motion agreed to.

Ordered for committee of the whole house.

### COUNTY JUDGES AMENDMENT ACT

**Hon. Mr. McMurtry** moved second reading of Bill 78, An Act to amend the County Judges Act.

**Mr. Deputy Speaker:** Does the hon. minister have any opening statement?

**Hon. Mr. McMurtry:** I have nothing to add to what I said when I introduced the bill. These are relatively small but important housekeeping amendments. During the past two years, I have come to better appreciate the very extensive duties incumbent on a chief judge. From my own personal experience, I think the request for the appointment of an associate chief judge is warranted by the circumstances, considering particularly the size of this province and the geographical land mass over which our county court judges are spread.

**Mr. Roy:** This bill and the following Bill 79 are just bills, basically. Bill 78 only makes provision for the associate chief judge of county and district courts. Bill 79 talks about the Chief Justice and Chief Judge of the High Court and the appointment of more judges at the High Court level. Sure, this type of legislation is necessary. It creates a new associate and calls him associate chief judge, but I notice in the legislation that the chief judge has rank and precedence over all other judges. After the associate chief judge, the junior judges, the supernumerary judges, have rank and precedence among themselves, according to seniority of appointment.

I find this interesting. I suppose that's part of the system. It's important to people to have rank and to sit higher on the bench and that sort of thing. Possibly I don't realize the significance of the whole process, but I just can't get overly excited about this. All I can



say is that it is probably necessary. Certainly we will not oppose it.

When I see all our problems in the courts—and possibly we'll get into that when we get to the estimates, hopefully next week—and I see the delays; I see the lack of efficiency; I see the lack of a case-flow process to get these cases out. I see we are appointing more people—competent people, these judges, and in my opinion the appointments are getting better and better all the time—we are appointing these judges to judge because of their background, because of their expertise. We just pick the best people; the salaries have been increased substantially over the last while, and hopefully we are appointing the best people to judge.

What concerns me is that very often these very competent judges end up involved in administration. They are doing something that somebody else should be doing—which judge sits where; how many cases is he going to hear on a given day; can he go to Ottawa for one week because there is a trial that is going to take eight days.

I say to the Attorney General, it has been two years, now, that he has been in this job, and I don't expect him to be able to solve the inadequacies—the neglect, I should say—of all his predecessors, because we have been talking about this for some years. The whole administration of justice has been neglected. I think he perceives what the problems are.

His problem is that he doesn't have the money to cure it. It's obvious from his comments and opinions on the Small Claims Court Act, that he is lacking money.

But it seems to me that more major and substantial changes could be made in our administration of justice. We should seize this opportunity to do this. It wouldn't require that much money. I suppose we do have the time to appoint associate chief judges of the county court, but it seems to me that in the scheme of things, in the overall apparatus of the whole administration of justice, I would have hoped to see much more substantial legislation coming forward.

I know that would require bold steps on the part of the Attorney General, and I know there is always the fear of trampling on the jurisdiction of the courts and the judges. They are saying "Careful, we have a certain independence, we are the judiciary, you are the executive, we are the Legislature," but the fact remains that somewhere along the way, we are all here to serve the public, including the courts. That's the primary responsibility we have.

We are not doing that when we are just getting involved in what I consider to be—and I don't want to be derogatory to whoever is going to be the associate chief judge of the county and district court, but in my opinion in some measure this type of legislation is superficial. I look at the other things that are wrong with our courts. I would have hoped to see much more substantial legislation to really deal with the problems of our courts: the problems of the delays in county court, the problems in Supreme Court, the problems in the provincial court—be it family division or the criminal division.

Then there is the problem of substantial changes in the Small Claims Court. Unfortunately, what we are getting here is legislation which just doesn't solve very much. It is going to give someone an extra title. As I said, I want to be very careful not to appear to be offensive towards the judiciary. My colleague is telling me that sometimes I appear in front of him. Sure I do. And I have long discussions with judges as to what the problem is as well. I experience it first hand and I talk about it in the Legislature.

We're going to have to come to grips with this, because it's starting to overtake us. The whole administration of justice, which is one of the pillars of this province, should not be undermined by budgets.

I notice my colleague is approaching. I just wish we had the Treasurer (Mr. McKeough) sitting here—he's the fellow we should be talking to. When I look at the money, when I look at those people on the other side—

**Mr. Maeck:** Where do we get the money from, Albert?

**Mr. Roy:** —and I look at the money they've squandered, for instance, on the 1975 election by giving out those car rebates and reducing the sales tax—what could we do with that \$500 million in the administration of justice? What could we do with that kind of money to really solve the problems of the administration of justice? These so-called election gimmicks. I could see that financial problems are incurred in the administration of justice. For sure! The government has squandered some of the funds of this particular province.

I really feel, Mr. Speaker, that we must express concern—when we're dealing, for instance, with amendments to the County Court Judges Act—that all we're doing here today is making provisions for an associate chief judge of the county and district court.

I think we're not really responding to the needs of the community in the administration of justice. I would hope, Mr. Speaker, that in the near future we'll see something much more substantial to deal effectively with the real problems in the courts.

**Hon. Mr. McMurtry:** I'd just like to respond, but I guess it would be out of order for me to do so at this time.

**Mr. Speaker:** Usually the minister winds up the debate on second reading.

**Hon. Mr. McMurtry:** The member for Ottawa East has got me so wound up that I'll—

**Mr. Speaker:** I'll recognize the hon. member for Lakeshore. Maybe by that time the minister will have cooled down.

**Mr. Lawlor:** I'm sure Frank Callaghan, now chief judge of the county court in York, will forgive me if I say: "Frankie and Johnny were lovers. Oh, and how they could love." Frankie has found his Johnny in this legislation today—he's got an associate judge. Hardly had the tonsure dried behind his ears and he has this inflicted upon him.

The point that the previous speaker made is surely valid. The minister is setting up a whole host of associate judgeships. I won't dispute that in some instances—for instance, in the high court—an associate may be necessary. I would like to get the firmest type of assurance that in this instance, does it mean that this associate judge too is going to be by and large, largely taken off the bench? That's a great shame. Is the appointment of a series of associates really designed to expedite, or to be beneficial, over against your court administrator concept? I'm not convinced of the validity of the notion in this particular regard.

The only other thing I want to say about the legislation in principle does arise out of the notes. You notice, Mr. Speaker, that they didn't attempt to spell out what this new associate judge is supposed to do: what his duties are. That is adverted to and sought to be explained or, even possibly explained away, in the notes that have been supplied.

The notes say: "The duties of the Chief Justice of Ontario, the Chief Justice of the High Court and the chief judge of the county or district court are, for the most part, not to be found in statutes or in the rules of practice. Such duties are assigned by sections of the Judicature Act and the County Judges Act. But these do not begin to cover the multitudinous tasks which have by custom been assumed by the chief judicial officers. For this reason, it would be inappropriate to attempt to legislate in detail the duties of

the associate chief justices and the associate chief judge. Rather, the offices should simply be created by amendments to the Judicature Act and the County Judges Act with the actual division of administrative labour to be worked out by the chief judicial officer and his associates."

[5:45]

Superficially, that seems to make sense. On the other hand, since we have basic suspicions—at least I have—about the formation of this new office as such, to be also bereft of any notion of precisely what he is supposed to do and to have nothing in the legislation seeking, not necessarily in detail but even in general terms, to spell it out, just as his own Act governing his duties as Attorney General is spelled out in sufficient terms, in the absence of that, I am standing here with a double doubt as to whether this is the best and wisest legislation the Attorney General could have brought forward under this head at least.

**Mr. Bolan:** I can appreciate the problems which the Attorney General has faced in the past couple of years in coming to grips with the problems of the courts. The question which I must ask myself is what will the creation of this position do to alleviate the problems which we have in the county courts system and I might also say, similarly in the Supreme Court. I can appreciate the problems which the Attorney General faces. He has no money. I am sure he would like to do more to rectify the problem. The function of this associateship, if I may call it that, will do nothing more than create more administration within the court system.

If there is a need to streamline the administration of the court system, then we should be looking at creating the appointment of an administrator and not an associate judgeship. I feel that this person, through that appointment—and I say this with the greatest of respect to whomever that person may be, will still be figuring out administrative problems which have been created within the county court judges system. Again, the same thing applies to the Supreme Court judges on their level. I might say that on their level the problems are even greater.

Often I have seen delays. I am sure the Attorney General has as well in the days when he was practising law. After hanging around in courtrooms for 17 years, one gets to appreciate some of the problems. To give a specific example, in North Bay the presiding Supreme Court judge comes swooping in with his gowns and robes and his reporter. He has one week for North Bay. There may be



20 cases on the list and some cases may be lengthy cases. There may be a case that will last two weeks or 10 days or whatever. He will say, "I'm just here for a week. I can't take anything which has any length to it." The first thing one knows the list folds and the judge is back in weekly court by Wednesday.

These are the types of problems which we have, particularly in the regions outside of Metro Toronto as we understand it. I understand in Metro Toronto the system seems to be picking up. There are more cases which seem to be going through. However, dealing with parts outside of Metro, and particularly in the north, we do encounter some very serious problems with respect to the administration of justice.

I would hope that Band-Aid type of legislation will not end there. I would hope that during the next session the Attorney General would have something more comprehensive. I can think of many areas. For example, I am sure that the Attorney General has heard the arguments about eliminating the county and Supreme Court system and having one system of courts; call it the Supreme Court or call it the county court.

**Mr. Roy:** You've got to call it the Supreme Court.

**Mr. Bolan:** Yes, you'd have to call it the Supreme Court because they are not prepared to go down to the county court level. Another suggestion which I am sure the Attorney General has heard is to regionalize certain parts of the province so that you have a number of Supreme Court judges, for example, who would be sitting in region 17, which may be the Sudbury-Nipissing district or region, or the Ottawa region, or the London region. I am sure that over the next couple of years, or at least I would hope during the lifetime of this particular Legislature, we would see legislation like that forthcoming.

**Hon. Mr. McMurtry:** Mr. Speaker, I don't quarrel with the characterization attributed to this legislation by the member for Nipissing as a Band-Aid. I would have to agree with that. But I think it is important for him and other members of this Legislature to appreciate—and I won't take too much time now because I think this is an area that will be pursued in estimates—that a great deal of my energies, believe it or not, have been directed to resolving these problems during the past two years.

Firstly, the appointments of the associate chief judges and the associate chief justices in the Act that will follow this are being made at the request of the chief justices and

the chief judge. Their request is based, very simply, on the grounds that they were appointed by Her Majesty to judge and, by reason of their many administrative duties, it is very difficult for them to sit as judges. Because these responsibilities have become so onerous and in order to allow them to sit more in court, where we would agree chief judges should be spending a good deal of their time, they feel it is necessary to have these appointments. But it goes beyond that.

I can anticipate a response, as has been already suggested by the member for Nipissing and others, that surely we should get the judges out of administrative work and appoint an administrator to take on these administrative responsibilities. But, I don't think I fully appreciated the delicacy of this problem until I arrived in my present office because the judiciary are, understandably so, very sensitive to any activity that will be perceived to impair their independence. When it comes to a non-judicial administrator giving direction to any judges I think the members opposite can appreciate that it's the type of direction that is not received in a very positive manner.

So, it is necessary for our chief judges to take on administrative functions if there is going to be any administration, any authority and, indeed, any accountability in the system. Recognizing the need for some degree of authority in this system, one quickly comes to the appreciation that the only authority that can be injected into the system must be authority from the judges themselves. For very understandable reasons, and they have made their position very clear, they are not going to take direction from anybody else, certainly not the government or administrators appointed by the government. That position has been made loud and clear to myself and my predecessors. It's on the record. It's clear in that respect.

My predecessors wrestled with this problem. Those who have been in the Legislature for a longer period than I have will recall the legislation which created the central west project to develop an area in the province whereby certain recommendations of the Ontario Law Reform Commission could be implemented in relation to the administration of the courts. The central west project and Wentworth-Halton area were introduced in order to inject better administration. A committee of judges, lawyers and administrators was established and this project which had self-destruct provisions proceeded for two years. Certainly one of the things that was learned by those who participated in this project was that the divided responsibility

simply was not working. It was not likely to work very well.

When I talk about divided responsibility, I'm talking about the responsibility that is exercised by judges in their judicial capacity and that which is exercised by the Ministry of the Attorney General in an administrative capacity with respect to the functioning of the courts. Certain better solutions were required. I don't want to spend too much time going over history that is known to many of the members here. What we had learned from this central west project and the experience and our concerns were incorporated in the white paper on courts administration which was introduced a year ago.

Central to this recommendation was the recognition that for greater authority and improvements in the system the direction would have to come, not necessarily from the judges in the first instance, because they're not trained to be administrators or trained to look at administrative techniques, but obviously any implementation would have to come at the request of the judges themselves, more particularly the senior judges. Therefore, as members will recall, in our white paper on courts administration we suggested a judicial council made up of the chief judges of the three levels of the courts which would have supervisory capacity.

I might say the judges responded more or less quite positively to this. There are some problems inherent in this. As I say, we'll be discussing some of these problems later on this evening or more probably during the estimates. I am concerned about the continuing accountability of the government, more particularly the Ministry of the Attorney General. I don't for one feel that this accountability can be delegated.

Just before we adjourn I'd like to say that the leadership that was to be provided in this system had to come initially first and foremost from the Chief Justice of Ontario. Because of his stature and the tradition of that office, he had the potential for having a very positive impact throughout the system. I'm happy to report, although happy and sad to report that the last chief justice of this province, Mr. Chief Justice Estey, indicated his willingness to take on this responsibility, but at the same time indicated that it would

be necessary to have these associate chief justices.

I'm happy to state that Chief Justice Estey was willing, as I hope his successor will be willing, to have a judicial council, even before legislation, acting in an advisory role to provide guidance for the judges across the province in relation to working out some of these problems related to case flow management which the judges must be inevitably involved in.

While Chief Justice Estey will be an adornment to the Supreme Court of Canada, and certainly it was an excellent appointment, I have to say at the same time that our federal friends demonstrated enormous insensitivity to the problems of Ontario by removing the chief justice, a man who had only served for nine months, notwithstanding the very valuable role he can and will play in the Supreme Court of Canada.

I'm not downgrading the importance of that for one moment. But I have to say, and for the first time publicly, that I regret that Ottawa was so much out of touch with the importance of the role of the chief justice of this province that they would see fit to appoint a man and leave him there for a period of time.

**Mr. Speaker:** May I remind the minister of the time.

**Mr. Roy:** Doesn't the minister agree that we should have the best people on the Supreme Court of Canada?

**Mr. Speaker:** Does the hon. minister have much more to say?

**Hon. Mr. McMurtry:** No, only 15 seconds, Mr. Speaker.

I only indicate that while I compliment and congratulate and recognize the very valuable work that the former chief justice was doing in the area of court reform, at the same time I must express my regret that he was taken from us in such a peremptory manner.

**Mr. Wildman:** There goes the judge.

**Mr. Foulds:** He could have turned down the appointment.

Motion agreed to.

Third reading also agreed to on motion.

The House recessed at 6:05 p.m.



## APPENDIX

(See page 1386)

## ANSWERS TO WRITTEN QUESTIONS

Answers to written questions were tabled as follows:

**25. Mr. Grande**—Inquiry of the ministry:

1. What was the number of Wintario tickets sold for every draw beginning July, 1977, to the present time? 2. What was the amount of Wintario profits from its inception to the present? 3. What was the cost of administration of the Ontario Lottery Corporation? 4. What was the number of: (a) full-time, (b) contract, (c) part-time, personnel administering the Ontario Lottery Corporation? [Tabled October 18, 1977.]

Answer by the Minister of Culture and Recreation (Mr. Welch):

1. Since July 1977, an average of 6.5 million Wintario tickets have been sold per draw every two weeks. Since July there have been eight draws.

2. Since September 1975, \$159 million have been made available to the Ministry of Culture and Recreation for physical fitness, sports and recreational projects and activities in Ontario.

3. The Ontario Lottery Corporation is responsible for administering two lotteries in Ontario—Wintario and the Provincial. Administrative costs for both lotteries during the fiscal year 1976-77 was \$2,557,889.00. This represented 1.21 per cent of gross sales compared to 2.09 per cent of gross sales in 1975-76.

4. There are 64 full-time staff and six casual staff employed by the Ontario Lottery Corporation.

**26. Mr. Grande**—Inquiry of the ministry: Will the Minister of Transportation and Communications table a progress report as to the state of the acquisition by title to: "The Spadina right of way, south of Eglinton, including housing, ravine lands, and unopened road allowances, so as to stop-up and close the right of way"? Have the orders in council giving the corporation of Metropolitan Toronto the authority to pave south of Eglinton been rescinded; if not, why not? Has the right of Metro to float debentures to the tune of \$6 million been removed? [Tabled October 18, 1977.]

Answer by the Minister of Transportation and Communications (Mr. Snow):

On April 1, 1977, the Ministry of Transportation and Communications assumed the unopened road allowances affecting parts of

Russell Hill Road, Spadina Road and Everden Road. The appropriate plans were registered on this date.

The arrangements for the acquisition by the Ministry of Transportation and Communications of property in the former Spadina Expressway right of way, south of Eglinton Avenue, have been under consideration by both the staff of the ministry and Metro for some time. A proposal respecting this matter was made to Metro in a letter dated January 11, 1977 but no response has been received to date. It is anticipated that the details of the transfer will be resolved in the near future and the ministry will acquire title to these properties.

The orders in council giving Metro the right to pave south of Eglinton have not been rescinded. The reason for this is that the Lieutenant Governor in Council has the authority to approve a municipal bylaw. However, the Lieutenant Governor in Council has no authority to unilaterally "un-approve" a bylaw. It would be appropriate for Metro, if it so wishes, to pass a bylaw rescinding the original bylaws and then approval of the Lieutenant Governor in Council could be given.

Information gathered from both Metropolitan Toronto and the Ontario Municipal Board indicates that the answer to the question re removal of Metro's right to float debentures is no.

The \$6 million figure refers to the unexpended portion (\$5.850 million as of September 30, 1977) remaining from the total approval of \$70.868 million for the original Spadina project as a whole.

Metro's treasury, as well as its legal branch, do not see the need or justification for applying to the OMB to have this balance rescinded. The OMB confirms that it has not received any such application, nor is there any other activity in this regard.

Removal of Metro's unexpended authority seems neither necessary nor advisable. It does not seem necessary because removal of \$6 million will not, in its own right, stop Spadina when expenditures of this size can easily be financed out of current revenues. It does not seem advisable because further expenditures may be needed in future for general capital improvements north of Eglinton.

**27. Mr. Grande**—Inquiry of the ministry:

1. How many of the residents who were previously overcharged in the Linco'n Place Nursing Home since January 1, 1976, have been reimbursed by the home? 2. In how

many other private nursing homes has the same situation existed? Were the residents in those homes reimbursed? If so, how many? [Tabled October 18, 1977.]

Interim answer by the Minister of Health (Mr. Timbrell):

These questions have required extensive study and investigation which are not completed. I expect to have an answer ready within one week from today.

28. Mr. Grande—Inquiry of the ministry:

1. Will the Minister of Health provide a list of all private nursing homes in Metropolitan Toronto? 2. Will the ministry provide a schedule of services and the charge for each service that the home is entitled to bill the residents? [Tabled October 18, 1977.]

Answer by the Minister of Health (Mr. Timbrell):

1. List of nursing homes in Metropolitan Toronto attached.

2. I presume that the schedule of services to which Mr. Grande refers is the extended

care services found in the Regulations under the Health Insurance Act 1972.

These are: (a) standard ward accommodation, meals, including special and therapeutic diets and laundry, including washing and drying of personal clothing; (b) skilled nursing and personal care given by or under the supervision of a registered nurse or registered nursing assistant under the direction of a physician; (c) provision of routine medical supplies, including wheelchairs and geriatric chairs; (d) provision of personal hygiene supplies; (e) provision of personal grooming supplies and services.

The regulations prescribe that a co-payment is to be made in respect to extended care services as an entirety.

Effective November 1, 1977, the rates chargeable to residents will be as follows: Standard ward \$8.20 per diem, \$249.40 monthly; semi-private \$12.90 per diem, \$392.40 monthly; private \$17.60 per diem, \$535.40 monthly.



NAME OF HOME	PHONE NUMBER	ADDRESS	ADMIN- ISTRATOR	CAPACITY
<b>METRO TORONTO TORONTO CITY</b>				
Acme Nursing Home	416-924-5626	140 Madison Avenue, Toronto	Mrs. A. Hrycky	24
Alpha Nursing Home	416-532-4710	127 Dunn Avenue, Toronto	Mrs. M. Levitt	42
A-Townview Nursing Home	416-368-9290	180 Sherbourne Street, Toronto	Mr. A. L. Ayala	33
Barton Place Nursing Home	416-533-9473	914 Bathurst Street, Toronto	Mr. D. Kelly	254
Bestview Lodge	416-690-3001	77 Main Street, Toronto	Mr. K. Trabold	150
Briarcrest Nursing Home	416-533-3617	80 Wychwood Park, Toronto	Mrs. E. Scheer	25
Centennial Nursing Home	416-535-1715	17 Maynard Avenue, Toronto	Mr. F. Rondilla	28
Christie Park Nursing Home	416-536-1116	33 Christie Street, Toronto	Mr. S. Nusbaum	107
Colonial Nursing Home	416-922-7674	300 Sherbourne Street, Toronto	Mr. A. Oksenberg	36
Fairview Nursing Home	416-534-0662	1059 College Street, Toronto	Mr. W. Chambers	28
Heritage Nursing Home (The)	416-461-8185	1195 Queen Street, East, Toronto	Mr. S. MacDonald	201
Leisure World Nursing Home	416-967-3985	225 St. George Street, Toronto	Mrs. O. C. Dryland	239
Mayfair Manor Rest Home	416-922-8449	661 Huron Street, Toronto	Mr. S. Kichler	38
Maynard Nursing Home	416-533-5198	28 Halton Street, Toronto	Mr. A. W. Bowman	77
Norwood Nursing Home	416-535-3011	122 Tyndall Avenue, Toronto	Dr. Horst Sebald	48
Parkdale Nursing Home	416-537-2465	35 Elm Grove, Toronto	Mr. D. Scully	120
Roulet Nursing Home	416-923-5134	190 Lowther Avenue, Toronto	Mr. D. J. Scully	44
St. Raphael's (Springhurst) NH	416-531-4371	1441 Springhurst Avenue, Toronto	Mr. F. Winterton	18
St. Raphael's (Yorkville) NH	416-924-7151	100 Yorkville Avenue, Toronto	Mr. J. M. Anthony	104
White Eagle Nursing Home	416-533-7935	138 Dowling Avenue, Toronto	Mr. A. Bielecki	92
<b>ETOBICOKE</b>				
Central Park Lodge	416-745-4800	1145 Albion Road, Rexdale	Mrs. Virginia Allison	256
Garden Court Nursing Home	416-259-6172	1 Sand Beach Road, Toronto	Mr. D. Davey	43
Extendicare/Highborne	416-621-8000	420 The East Mall, Islington	Mr. D. Matzdorf	294
Sunnyview Nursing Home	416-251-4525	51 Lakeshore Drive, Toronto	Mrs. P. White	20
West End Nursing Home	416-239-9550	3838 Bloor Street, West, Islington	Mrs. Lisa Peake	36

NAME OF HOME	PHONE NUMBER	ADDRESS	ADMIN- ISTRATOR	CAPACITY
<b>NORTH YORK</b>				
Bayview Villa Nursing Home	416-226-1331	550 Cummer Avenue, Toronto	Mrs. Marie Nagy	206
Bradley Nursing Home	416-636-1313	2950 Keele Street, Downsview	Mrs. I. Blakey	36
Cedarcrest Nursing Home	416-248-8428	2328 Keele Street, Toronto	Dr. A. Linkohr	40
Cheltenham Nursing Home	416-223-4050	5935 Bathurst Street, Willowdale	Mrs. J. O'Brien	170
Elm Tree Nursing Home	416-633-3431	3595 Keele Street, Downsview	Mrs. Pinelli	220
Extendicare Nursing Home	416-493-4666	1925 Steeles Avenue, East, Willowdale	Mr. R. M. Thomas	288
North Park Nursing Home	416-247-0531	450 Rustic Road, Toronto	Mr. John McColl	75
Oakridge Villa Nursing Home	416-745-0811	2045 Finch Avenue, West, Downsview	Mr. D. Welch	245
<b>SCARBOROUGH</b>				
Altamont Nursing Home	416-284-4781	92 Island Road, West Hill	Mr. D. G. Archer	159
Birchcliffe Nursing Home	416-699-3244	1673 Kingston Road, Scarborough	Mr. Joseph Mahabir	58
Craiglee Nursing Home	416-264-2260	102 Craiglee Drive, Scarborough	Mr. and Mrs. R. McDougall	38
Extendicare Nursing Home	416-439-1243	3830 Lawrence Avenue, East, Scarborough	Mr. P. Rushforth	155
Guildwood Villa Nursing	416-266-7711	60 Guildwood Parkway, Scarborough	Mrs. Sharon Oke	170
Kennedy Lodge Nursing Home	416-752-8282	1400 Kennedy Road, Scarborough	Mrs. D. Cole	245
Leisure World Nursing Home	416-264-2301	2 Sandown Avenue, Scarborough	Mrs. O. Dryland	301
Rockcliffe Nursing Home	416-264-3201	3015 Lawrence Avenue, East, Scarborough	Mr. R. H. Nye	204
St. Raphael's Nursing Home	416-499-2020	1020 McNicoll Avenue, Scarborough	Mr. F. Martis	254
<b>BOROUGH OF YORK</b>				
Lincoln Place Nursing Home	416-967-6949	429 Walmer Road, Toronto	Mrs. V. Stevenson	260



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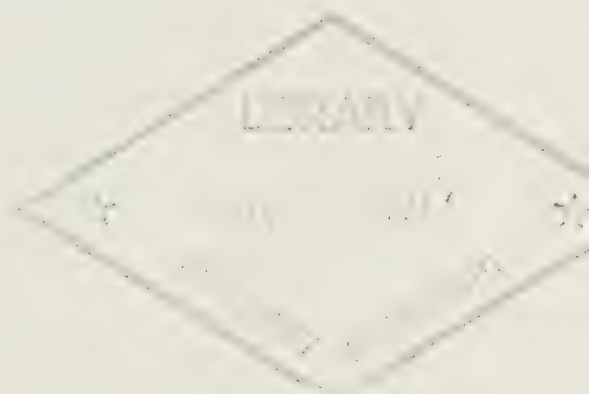
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# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Tuesday, November 1, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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## LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 1, 1977

The House resumed at 8:02 p.m.

### JUDICATURE AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 79, An Act to amend the Judicature Act.

Mr. Deputy Speaker: Does the hon. minister have an opening statement?

Hon. Mr. McMurtry: Mr. Speaker, this bill is similar in intent to the amendments to the County Judges Act that we discussed just before the supper recess. I think the comments that I made in relation to the debate on second reading with respect to that bill would apply equally to the intent and principle of this legislation.

Mr. Roy: I've made some comments on the previous bill, Bill 78, about my concerns in the administration of justice. I would like to make certain comments about this particular bill.

There's no doubt that the creation of what is called the Associate Chief Justice of the High Court and the office of the Associate Chief Justice of Ontario are required. There is no doubt in my mind, as well—in view of the great increase in the case load, and the fact that the High Court, more than any other level of courts, is subject to the picking of a particular judge to do other duties on very short notice—that it does cramp the style and flexibility of that court. Certainly, it troubles the chief justice who has to jockey his judges in various jurisdictions at various times throughout the province. In view of the increased case loads, it would appear to be sensible that the total of 38 judges be increased to a total of 42. In that measure, it's not a burden on the financial situation of the province, because these judges, I understand, are paid by the federal government, in any event. In that aspect, I suppose, we won't get into the finances.

But I am interested in the comments earlier by the Attorney General. You will recall, Mr. Speaker, I have said that at the High Court level especially, and I think everyone here will agree, that the calibre of individuals appointed has been just tremendous. It is to the great credit of the federal Attorney General that he has got some of

the best people possible in the bar to accept an appointment at the High Court level. I would think this has happened more in the last 10 years or so than ever before.

Last Friday night, I guess, I was at a bar dinner in Ottawa where the speaker was Mr. John Robinette, QC, one of the most eminent counsel, certainly, not only in this province but in this country. He said he was concerned that some of the better people within the bar were being lost to the bar and going on to the bench. He said it with sort of a humorous tone, and generally speaking, one is talking about people who are serving in the public interest. One can say: "Well, that's the highest calling," but as one who has been a member of the bar since about 1929, as Mr. Robinette has, he was expressing concern that when a counsel has attained that particular level of excellence when he was an enhancement to his whole profession, he would end up being appointed a judge. He felt that to some measure it was sad.

But in any event, that is clearly a reflection of how the members of the bar—

Mr. Lawlor: Sad? John refused. He was making \$250,000 a year.

Mr. Roy: I know he did. I think in fairness to—

Mr. Lawlor: He was one of the few.

Mr. Roy: In fairness to him, in view of the length of time that he's practised, I don't think money is the incentive for keeping him off the bench. I frankly think he's one who enjoys greatly what he's doing. Having served and lived frugally since 1929, I would think that money is not going to be the deciding factor—

Mr. Lawlor: L'argent, l'argent est—

Mr. Roy: I don't know what that means, but anyway—

Mr. Lawlor: Don't you understand French?

Mr. Roy: Not your French, I can't.

Some of those judges serving at that level are among the finest and best brains in the country. As I said before, what concerns me is that after we appoint these people —

Mr. Foulds: Vern didn't get his appointment.

**Mr. Roy:**—they end up in a situation where they are doing administrative work.

The compendium which is attached to this bill talks about the great increase in the case load—a 54 per cent increase at the provincial level from 1970 to 1975, and I would think at 1977, only at the provincial level, it would be over 100 per cent. Statistics from Ottawa at the provincial level indicate that there has been an increase in the case load from 1970 to 1977 of something like 150 per cent.

But in any event, the compendium goes on to say that the net result is that the courts at all levels in Ontario are becoming larger and more complex and the burden of administering them has become correspondingly heavier. This burden for the most part falls directly on the shoulders of the chief judicial officer of each court. I can understand that.

The Attorney General was saying earlier that in the administration and the case flow of the courts the judges have advised him that they want to keep their independence. They don't want to be in a situation where the legislative arm of government is saying to them: "You are going to sit so many hours. You are going to sit in a particular court. You are going to do this. You are going to do that." This would be in some way an infringement of the independence of the judiciary.

I can understand that to some measure, but I don't believe for a minute that means it's incumbent upon these judges, apart from the chief justice—we are fast approaching a situation, and I think the Attorney General will agree with me, where the chief justice is going to become more of an administrator than a judicial officer, and he's going to have a full-time job just administering these courts. But that doesn't alter the fact that we should have competent experts in the field of case flow and experts in the field of how we can make better use of our facilities and make better use of the judges that we have.

I think that is the weakness. I don't think it is incumbent on all these judges. I have seen it time and time again—Supreme Court judges going into the county town and then they end up in a situation where they say, "Look, I have only a week. Can I sit here a week? I'll phone Toronto and see if I can't get another judge down here to take a particular case." Surely there's an inherent weakness when we force our judges into a situation where they are supposed to be judging and they become, in fact, administrators.

It seems to me that that is a weakness. I

can understand what the judges are saying. But, I don't see anything wrong in having competent administrators or having competent systems of administration. Yet, the chief justice could use that system and then flowing through the chief judge have a system of courts which is efficient and which makes full use of the existing facilities and full use of the manpower which we have.

I think this is a weakness. Just as an example, this week in Ottawa we get an extra judge. There's one Supreme Court judge sitting hearing non-jury cases. And we get an extra judge who is going to come down to hear the jury cases. It turns out that he can only stay a week. In the criminal lineup, there are a couple of murder cases which are going to take more than a week, so he can't hear those. So the bar, thinking, of course, that there is going to be jury work at the criminal level, aren't expecting their jury work at the civil level to proceed. All at once, at the last minute, all the civil case jury work is called before the judge. There are about nine cases and not one of them is ready.

After the first couple of cases fall, where they say they are not ready, the other counsels down the line are saying, "Well, I don't have to be ready before Tuesday, Wednesday, or Thursday," and you've got witnesses all over the place. So everything falls just like a deck of cards, and no cases are ready. So, the judge is on the phone asking the chief justice what he should do and what type of case is he going to take. The registrar of the court is hustling all over the place to see if he can't find some undefended divorces or something to fill the judge's time.

This is not just an isolated instance. It continually happens. I say that that is not only the fault of the court administration, it is the fault sometimes of the profession. Very often they talk big until they get to the courtroom door and then there seems to be some reluctance to have their case proceed.

Judges say that in Ottawa there is a particularly bad situation where, apparently, counsel seem to have this reluctance. In other areas of the province there seem to be one or two law firms that can always have a case ready to go and take up the slack of the court, whereas in Ottawa they can't seem to find anybody who is ready to do that. So, anyway, what I am trying to say—

**Mr. Foulds:** It has fallen since you left full time.

**Mr. Roy:** I can't really say that. I am not sure sometimes that I don't contribute to



that. But, basically, if I am going to go to trial, I want the case to proceed as early as possible. If I am not going to go to trial, I settle. Basically, I would hope that the members of the profession would take that approach.

In any event, what I am trying to say is that there is a contribution to the lack of efficiency on the part of the profession and there is a lack of efficiency about the whole administrative set-up. I am convinced that if we were to put more emphasis on the efficiency of the whole administration—it could be flowing through the chief judge—then you might wake up and shake up the profession.

But that is going to take decisions by the Attorney General. I think they are decisions that might not please everybody. My colleague from Nipissing (Mr. Bolan) was asking why we have a level of county and Supreme Court. Really, in this day and age, we shouldn't have it. We should just have the Supreme Court level. Is it reasonable in this day and age that we have all the Supreme Court judges sitting here in Toronto, then go on the circuit to various areas of the province? I really think that should be changed. I don't think that's reasonable today. I think we've passed the stage of the old idea that, in the old cowboy town you get the out-of-town judge to come in—

Mr. Ruston: The hanging judge.

[8:15]

Mr. Roy: —as an impartial arbiter coming from the big city to right the wrongs of everybody. I think we could have local judges in the Supreme Court. I see no reason why the county areas, be it Windsor, Ottawa, London—not Toronto, of course—should get the same service as Metropolitan Toronto from the Supreme Court. I don't see why we shouldn't get equal service from the Supreme Court. I think it's time to make that sort of decision. If it so happens that it's the nature of a case where it's best to get an out-of-town judge, fine. They do it anyway in a provincial court or in a county court.

But, I think we really have to come down and make these meaningful decisions. I appreciate the concern expressed by the Attorney General that when you appear to get things rolling with a chief justice like Mr. Justice Estey, all at once he's appointed to the Supreme Court of Canada. I can appreciate that that's a loss. That is a great loss, because I think, at least my short experience—

Mr. Lawlor: I have never seen a judge rise so fast.

Mr. Roy: Well, his rise, from just one of us, I shouldn't say "one of us"; rather, one of you, because he had his QC—

Mr. Lawlor: It is either one of two things. It's either brilliance or politics.

Mr. Roy: I don't really know about politics. I do know that his sense of humour was sans pareil, if you understand what I mean.

Mr. Lawlor: It was at least that.

Mr. Roy: So he went in a very short time, a couple of years probably, from Crown lawyer to High Court judge, to Chief Judge of the High Court—

Hon. Mr. McMurtry: Court of Appeal, Chief Justice of the High Court, Chief Justice of Ontario.

Mr. Roy: —Chief Justice of Ontario, Supreme Court of Canada. It's just fantastic. I think it's unheard of in the annals of judicial history.

Mr. Foulds: Sounds like William Shatner.

Mr. Lawlor: Poor old Laskin.

Mr. Roy: You're torn between two sort of principles where the Attorney General says, "This was a good man. I think we could have used this fellow. He gave every indication that he was moving in the right direction." On the other hand—

Mr. Lawlor: "If you would only stick around for a month."

Mr. Roy: —you have the situation where the federal people say, "Look, we want our best brains, our most competent judges on the Supreme Court of Canada." Those are the two opposing principles and it's difficult for me as just a little country lawyer to be able to make that momentous decision and say the Attorney General is right or Mr. Trudeau is right in what he did.

I do think we can all be unanimous in the conclusion that we've lost a good man. Hopefully there will be a new chief justice who will look at some of these things. I think we must give leadership and the Attorney General has got to give leadership. I think there is a fine line and yet there is an area where we can do some work—

Mr. Foulds: He wants the leadership. He is going for the leadership.

Mr. Roy: —about telling judges that we want full use of their time. I don't think judges will be concerned about whether this flows through the associate chief justice or through the chief justice. They'll accept that. They realize that sometimes the whole system is not giving the best possible effort or the most efficient effort to the community. I think they're prepared to accept that.

What concerns me is this eternal problem of saying, "We've got to be careful because they want their independence." That's been said to us here by four Attorneys General. The time has come, Mr. Speaker. The time is going to pass us by and society is going to say, "What's happening?" The pressure is going to be too much. You're wondering if this is all within the bill, Mr. Speaker, and I say it is. It's right there.

Mr. Deputy Speaker: Which section? I was just wondering which section you were referring to.

Mr. Roy: I'm speaking generally on the bill, because I'm reading from the compendium where it talks about all of these things. Who am I to question the opinion of the Attorney General of this province, eh? Right?

Hon. Mr. McMurtry: You are absolutely right.

Mr. Roy: The Supreme Court of Canada occasionally differs with him, but—

Mr. Foulds: It never stopped you before.

Mr. Roy: —not the member for Ottawa East. Never! Never, Mr. Speaker.

I think it's important that we point these things out, that hopefully we'll see—

Mr. Foulds: What things? What have you pointed out so far?

Mr. Roy: The member for Port Arthur will understand. I'm glad to see that he's—what? deputy or acting House leader? He's acting House leader and maybe we'll get to educate him yet—

Mr. Deputy Speaker: Is that in this particular bill?

Mr. Roy: Is it mentioned in the bill that the member is—I don't really know.

Mr. Foulds: I hope it includes the salary raise, I tell you.

Mr. McClellan: You haven't said a damn thing.

Mr. Roy: I appreciate that some of the things I say are not understandable to some of the members of the NDP. But I'm not trying to convince them. Hopefully I'm trying to convince my colleague, the Attorney General, who's just making notes of every word I'm saying right now. That's why I know what I'm saying is important.

Mr. McClellan: Absolutely unintelligible.

Mr. Foulds: What is he making notes with?

Mr. Roy: Hopefully, in the near future we will see some meaningful changes take place within the administration—some of those changes I have been mentioning. And if that

happens, the government will get the full support of the members on this side. We will even give them credit for having original ideas over there. Not only the Minister of Correctional Services (Mr. Drea) gets original ideas. We say the Attorney General has finally taken the bull by the horns and he is going to solve matters.

Mr. Lawlor: Frank Drea?

Mr. Foulds: Wasn't Frank Drea the guy who wanted to elect the Supreme Court? Didn't he make a speech about electing the Supreme Court?

Mr. Roy: Mr. Speaker, thank you for using your discretion as wisely as you have.

Hon. Mr. McMurtry: As widely or wisely?

Mr. Roy: Wisely.

Mr. Lawlor: I think I have said pretty well all that is of value about this sort of thing a long time ago. I just mentioned the protocol sections of the legislation which titillates us all I am sure. With that I look forward to the small claims court bill.

Mr. Roy: What happened?

Mr. Lawlor: I've lost interest.

Hon. Mr. McMurtry: Very briefly, I want to reiterate, that one of the prime purposes of Bill 79 is to relieve the chief justices of the two Supreme Courts—the appellate division and the trial division—from the administrative responsibilities. I want to re-emphasize that. It is to relieve them of some of these administrative tasks so that they can spend more time judging.

I sympathize with a number of things that have been said by the member for Ottawa East with his usual eloquence.

Mr. Lawlor: I have never heard him speak so long about so little.

Hon. Mr. McMurtry: I must admit I am totally astounded by the brevity of the member for Lakeshore.

Mr. Roy: So am I.

Mr. McClellan: He said 10 times as much as either of you.

Hon. Mr. McMurtry: But I hesitate to say that because I am sure he will make up for it with the small claims court bill.

Mr. Lawlor: You are perfectly right. If you have been to dinner with the Speaker it does make you more succinct.

Motion agreed to.

Third reading was also agreed to on motion.



## PROVINCIAL COURTS AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 80, An Act to amend the Provincial Courts Act.

Hon. Mr. McMurtry: Mr. Speaker, just to reiterate what I said when I introduced the bill, again we are attempting to create an associate chief judge at each division of the provincial courts—that is the criminal and family division—for reasons similar to those advanced in relation to the county court and the Supreme Court of Ontario.

Secondly, the intent of the bill is to provide an amendment to the Provincial Courts Act to allow for the awarding of costs in provincial court family court proceedings.

Mr. Roy: On this bill, we are, obviously, in favour, especially on the second matter of the question of the provincial courts, family division, having the power to award costs. I recall that there has recently been some jurisprudence, I think, in that area. One provincial court judge some place in this province has awarded costs. I thought that was a precedent that had been established. But I suppose sometimes precedents are established by somewhat stretching the existing law. I think it is incumbent on this court—I think it is a necessity—that that power be spelled out clearly and that provincial judges of the family division have that power, considering the nature of the litigation or the nature of the proceedings before them.

As for the associate chief judge of each division of the provincial court, I'm not convinced that that is something which is necessary, just as I'm not convinced that it is not. I just can't get too excited one way or the other. My concern, in seeing amendments come forward under the Provincial Courts Act, is that it would appear to me that much more substantial changes could have been made to the Provincial Courts Act. The reason I say this is that as one who represents a riding in Ottawa, I've had the experience first-hand of what happens when there are weaknesses within a particular piece of legislation.

I am referring specifically to the weakness in the provincial courts legislation dealing with the judicial council, the function of the judicial council, the scope of the authority or the jurisdiction of the judicial council. Within the Provincial Courts Act there is legislation which says these hearings are to be in private. Yet we had a situation in Ottawa where we may ask what good is the hearing being in private when it's on the

front pages of every newspaper in the city that there is a hearing. People come to conclusions, whether the information or the complaint against the judge has any merit or not. The minute there is a front page story saying that a senior judge is before the judicial council, his credibility has been seriously undermined.

I would like to hear some comment from the Attorney General whether we are going to see this type of legislation. It appears to me that with the experience in Ottawa involving Judge Swabey and Judge Williams, there was a situation where I think it was clearly pointed out there are some weaknesses and some serious gaps within the legislation which has set up this judicial council. It seems to me if you are going to protect the integrity and the efficiency of the judiciary they cannot be subject to public whims. Any misfit in a community can make a complaint against a judge. The minute it is referred to judicial council, if it's on the front page of a paper, the presumption is that someone has done wrong. The public will exercise the onus against the judge.

I mention this because, in both Judge Williams' and Judge Swabey's cases, let's presume they had been innocent. Really their effectiveness has been seriously undermined by having continually, every second day, the front page of the paper saying something about the judges being involved in this or involved in that. I say very seriously to the Attorney General that I really hope we are going to see legislation which will not only make the hearing private but will make the fact that there is a hearing private as well. The bar association in Ottawa, as the minister will recall, asked that there be an inquiry to find out the source of the information being fed the newspapers about this hearing and to investigate all of this.

The newspapers hadn't broken the law or anything. Considering the competitive nature of the press you could hardly blame them, if they got a scoop, for using it. I think it is incumbent on us, if we believe in the integrity and the independence of the judiciary, to protect it. That is one aspect of it.

Mr. Foulds: There is a difficulty there.

Mr. Roy: There is a difficulty there. I trust my friend could understand that the freedom of the press or the public's right to know is not absolute. If it is, we have many laws which make it not absolute. For instance, one can have a preliminary inquiry without the public knowing what is going on. Or would you want proceedings in family court involving juveniles to be public? These



are all things where we feel there are other principles which are just as important as the public's right to know or the freedom of the press.

**Mr. Foulds:** What amendments would you propose?

**Mr. Roy:** I would propose an amendment that would say that not only is the hearing private but the fact that there is a hearing shall not be public until there is some sort of determination. I can make a comparison that if the police were to publish the fact that they are investigating someone, investigation does not necessarily mean they have a *prima facie* case. Once the charge is laid, then it's public and that's fine. But the fact they would be investigating someone and that would become public could seriously undermine the reputation of someone.

[8:30]

Take the member for Port Arthur. He's a public figure. What would the fact that the police are investigating do to his reputation?

**Mr. Foulds:** They already have in 1971 and 1973. It was on the front page of the *Globe*. They even tapped my phone too.

**Mr. Roy:** What I'm saying basically is that these are some of the things I would hope the Attorney General will bring forward. We've got to tighten up that legislation or we're getting ourselves into a situation. At the time that the judicial council is looking into this, at that point the press should know. If there is a breach of the law by a judge, then he should get the same treatment as anyone else. But at least we should determine that there has been a breach and he should not be judged in the press before at least there's been that determination.

That's concerned me to no end. I've got into fights with the press in Ottawa about this whole issue. I would have hoped that when this Provincial Courts Act was brought forward, we might have seen that. I appreciate there has not been that much time.

I say again that I think it's extremely important. We go out of our way to have legislation that treats the individual on the street fairly. We say to him, "You shall have every safeguard to see that your rights are protected." That applies all the way through the system. But at the top level, if a particular judge doesn't get fair treatment or if our police officers have legislation which is unfair to them, how can we expect these people to render justice, if the minute there is a problem at their level, they are not treated with the same type of civil rights?

That's concerned me and I thought I should put that on the record. I would hope

we'll see legislation coming in a very near future to tighten up that whole thing. I think that is important legislation appointing the judicial council. I think it's necessary. On the other hand, we must be very careful we don't have a type of setup whereby we can undermine the process unfairly. Once the damage is done, we've ruined the reputation of certain individuals and certain judges. Sometimes it can be unfair. I'm not saying it happened in this particular case. Had they been innocent, could these judges have gone back to sit in the courts after their names had been on the front pages all summer? I think it would have been a problem. There would have been a perception on the part of the public that they'd done some wrong when they had not. I think we should look at that.

**Mr. Foulds:** The same thing applies when someone has been charged.

**Mr. Roy:** But they had not been charged. They were only being investigated.

**Mr. Lawlor:** Mr. Speaker, have you ever seen Albert more Gallic, more Cyrano de Bergerac, swaggering, tocsins clamouring, get the sword out, up and down the hallway, meeting the bride of somebody else, I think?

Interjections.

**Mr. Lawlor:** Isn't it *farouche*, as the French say?

**Mr. Foulds:** It struck me more like Sancho Panza.

**Mr. Roy:** I am not sure what he said but whatever he said—

**Mr. Lawlor:** You know Cyrano de Bergerac. I am comparing you to him tonight. Aren't you pleased? What do you want to be, *d'Artagnan*? Which musketeer do you think you are, with all the swashbuckling, all the sword rattling, all the noise in the night? Listen, in this particular piece of legislation—I think it's Bill 80—

**Hon. Mr. McMurtry:** I never thought this bill would provoke such majesty of language.

**Mr. Lawlor:**—this is one of the visitations that the minister has. He's a fortunate fellow. He has a deputy minister from the academic world, from the world of pure logic. There's nothing more logical than logic if you take it seriously. He says, "We're going to have an associate justice here, and an associate justice there. You are going to have them in the High Court. You may as well have them in the low court." You have them all over the place. Once you start, there's no end to it. Here we have them in the Provincial Courts Act.



**Hon. Mr. McMurtry:** I think we should have an associate member for Lakeshore.

**Mr. Lawlor:** Come on! This is pure malarky. In each instance the minister should make a justification for it.

Interjection.

**Mr. Lawlor:** Here you are, monomaniacally—far from logic—it's a kind of mania—you're proliferating associate justices all over the park.

**Mr. Breithaupt:** When everyone's somebody, then no one's anybody.

**Mr. Lawlor:** Associate Chief Justice of the High Court, associate chief justice of the county court, associate chief justice of the criminal division of the provincial court. You may as well round it out, so to speak, whether he's needed or not. Whether he's associate chief judge of the provincial court, family division. So we get the whole—

**Mr. Foulds:** Why don't we have an associate chief judge of the small claims court?

**Hon. Mr. McMurtry:** We're coming to that.

**Mr. Lawlor:** We will. We haven't really got around to appointing justices of that court yet.

**Mr. Foulds:** In the next bill?

**Mr. Lawlor:** We will in 10 minutes' time. And next week he'll appoint an associate chief justice of that particular level of court. That's really what it comes to.

**Mr. Foulds:** Why are you giving the Liberals all these opportunities to appoint them?

**Mr. Lawlor:** Once they start out—I mean, the bureaucratic mind, the sheer logic, drives one from one position to another ineluctably. It's quite terrifying, and I stand here somewhat terrified by the sheer logic of the position, and not in the least convinced as to its practicality.

I think before dinner the minister made some kind of a speech saying that it was really necessary in order, I hope, to keep them all working where they belong, in the courts. He did not want to happen in the courts what happens in the field of education, where some of the most distinguished and capable teachers are echeloned—I think that's the word—

**Mr. Breithaupt:** It's a good one.

**Mr. Lawlor:** —lifted, like Ezekiel on the clouds, you know—brrrrr—up onto some kind of echelon—

**Mr. Roy:** I wonder if Hansard got that.

**Mr. Lawlor:** —where they're no longer of service either to themselves or to the rest of the human race.

There are hundreds of them and they're all making 50,000 bucks a year, and it's terrifying. Don't do it with the judges. A man with that particular capability who is able to tell who is lying. There aren't many of us who can tell who is lying. We can't even tell when we're lying ourselves. We have to spend time at it, you know.

**Mr. Breithaupt:** Certainly the electors were fooled.

**Mr. Lawlor:** To be able to assess a witness in the box and say, "He's pushing it. He's overloaded." In that particular case, you have to be really careful, particularly about overloading.

**Hon. Mr. McMurtry:** Particularly when you have dinner with the Speaker.

**Mr. Lawlor:** The business of costs. This cuts both ways. It's a Dostoevsky of a sort—it has good and bad features. Awarding of costs under provincial courts, family division, can add to the costs of litigation. I suppose the hon. minister will argue when he stands up, if he is able to stand up, that it will cut back on litigation. If cost is to be considered one of the elements in the whole situation, they'd be somewhat loath to push it, and it will have a beneficial effect on the pure case load.

On the other hand, what we're seeking to do is make the courts more approachable to a greater number of people. The costs of litigation are so horrendous now and to introduce it, as the minister is doing in this legislation, into the family court setup, where it was formerly excluded, is really a questionable move. To many individuals, if they come in to see me at the constituency office, I say, "Stay out of the courts. You can't win even if you win."

The edge on costs, the double feature there, the fact of solicitor-clients and the client-and-client cost situation will bear too heavily. The costs are emerging more and more often as a predominant feature, the costs being greater than the amount under litigation.

Can you imagine a more backward, retrograde, horrendous situation than that, Mr. Speaker? It's very common. You don't want to get into that in the family court setup between husbands and wives and the children situation all the way round.

**Mr. Roy:** I disagree. What about the husband who gives—

**Mr. Lawlor:** And yet the Attorney General is doing it. This is what his legislation is designed to bring about.

**Mr. Roy:** There should be costs.

**Mr. Lawlor:** We have enormous respect for

the office and for his capabilities. We don't like going against the grain, but on the basis of the pure logic of this situation, associate judges all over the place, on no really justifiable principles, and then the imposition of costs in this particular court, I find the legislation very questionable.

**Mr. Deputy Speaker:** Are there any other members wishing to speak on Bill 80? if not, the hon. minister.

**Hon. Mr. McMurtry:** First of all, if I may respond to the remarks of the member for Ottawa East and, more particularly in relation to the unhappy situation with respect to some of the provincial court judges in Ottawa who, I appreciate, have been enormously embarrassed by some of the rather unfortunate publicity that has been very evident over the course of the summer in relation to their own personal situation. There are a number of issues raised by this.

First of all the information and the facts, that have been brought forward by some of the press to titillate the public—I just don't know where they came from. They certainly did not come from the judicial council. They certainly did not come from anyone associated with the Ministry of the Attorney General.

Of course, the member for Ottawa East raises the issue as to whether, at any time, the public should have any knowledge of the fact that there even is a hearing of the judicial council. Certainly, in this case, I don't think at any time did we bring that fact forward to the public. At the same time, I have to say that there may be cases in which the public has an interest in knowing that there is a hearing. I can think of one case in particular that has occurred during my tenure as Attorney General and that is when a statement or behaviour is attributed to a judge in open court that offends a great percentage of the population.

In those circumstances it may well be in the interests of the administration of justice—

**Mr. Roy:** We're not talking about the same thing.

**Hon. Mr. McMurtry:** No, no, but we're talking about the judicial council and I'm saying that in those circumstances it may be in the public interest and in the interest of the administration of justice for the Attorney General to indicate the matter will be reviewed by the judicial council. I think you have to differentiate between alleged misconduct that may occur in a courtroom, in public, as opposed to something that may have occurred outside the courtroom, as was the case insofar as the Ottawa judges were concerned. I

regret very much the publicity that has occurred in relation to that matter.

[8.45]

I would also like to assure the member for Ottawa East that I'm not satisfied with the present state of that legislation. I think he would be interested to know, as would the other members of the Legislature, that I have requested the former Chief Justice of Ontario, the hon. George Gale, to review that legislation and make recommendations to us with respect to possible amendments. I think this might be of interest to the members because I share his concern and believe the legislation, insofar as the function of the judicial council is concerned, could be improved.

With regard to the learned contribution by the member for Lakeshore, on the provision for awarding of costs in the family division of the provincial court, I would like to make two or three observations. It should decrease the cost of litigation for the successful party awarded costs, since that party will have some relief in relation to legal fees and disbursements.

At the present time, it is often a woman who is looking for support from a defaulting husband. Under the present legislation, she may be timid about going to court herself, which she can do. She may feel more comfortable with, and obviously in many cases will benefit from, the services of a lawyer. It's important, if she has a meritorious case, that she knows she will get some relief from the costs of hiring a lawyer in relation to these expenses.

**Mr. Lawlor:** Don't you think he'll simply increase the fee?

**Hon. Mr. McMurtry:** It will also discourage frivolous defences and indeed frivolous applications. But more important than that, Mr. Speaker, I think the provision is necessary in family court, particularly in the light of our family law reform legislation, because we know under that legislation the family court will be given increased jurisdiction, and in our view, it's important the litigant has the possibility of obtaining some relief in relation to legal fees.

The House divided on the motion by Hon. Mr. McMurtry for second reading of Bill 80, which was approved on the following vote:

#### AYES

Ashe  
Auld  
Baetz  
Belanger  
Bernier

#### NAYS

Bounsall  
Bryden  
Cooke  
Davidson  
(Cambridge)



## AYES

Birch  
 Bradley  
 Breithaupt  
 Brunelle  
 Campbell  
 Eakins  
 Eaton  
 Epp  
 Gaunt  
 Gregory  
 Grossman  
 Haggerty  
 Hall  
 Handleman  
 Havrot  
 Johnson  
 Jones  
 Kerrio  
 Lane  
 Leluk  
 Maeck  
 Mancini  
 McCaffrey  
 McCague  
 McGuigan  
 McKeough  
 McKessock  
 McMurtry  
 McNeil  
 Miller  
 (Haldimand-Norfolk)  
 Newman  
 (Windsor Walkerville)  
 Nixon  
 Norton  
 Parrott  
 Peterson  
 Pope  
 Reed  
 (Halton-Burlington)  
 Riddell  
 Rotenberg  
 Rowe  
 Roy  
 Ruston  
 Sargent  
 Scrivener  
 Stephenson  
 Sterling  
 Taylor  
 (Simcoe Centre)  
 Timbrell  
 Turner  
 Van Horne  
 Villeneuve  
 Walker  
 Williams  
 Wiseman  
 Yakabuski-60.

## NAYS

Davison  
 (Hamilton Centre)  
 Foulds  
 Germa  
 Gigantes  
 Laughren  
 Lawlor  
 Lupusella  
 Makarchuk  
 Martel  
 McClellan  
 Philip  
 Samis  
 Warner  
 Wildman-18.

Ayes 60; nays 18.

Motion agreed to.

### SMALL CLAIMS COURTS AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 81, An Act to amend The Small Claims Courts Act.

Mr. Roy: Needless to say, we on this side, and I suppose the Attorney General on his side, must be pretty pleased about having someone who is responsible around this place, when one considers the vote that has just taken place with the so-called defenders of the oppressed to my left—

Mr. Wildman: Oh don't be so niggardly.

Mr. Lawlor: On a question of privilege, the irresponsibility of that statement.

Mr. Roy: —taking the approach that those poor wives who are chasing these defaulter husbands are not entitled to costs.

Mr. Foulds: On a point of order, Mr. Speaker, he should speak to the principle of the bill.

Mr. Speaker: Order. I have listened very intently and there is nothing that can be construed as a point of order.

Mr. Foulds: There is no way he is speaking on the principle of the bill.

Mr. Roy: I can say that; I suppose if I wasn't a—

Mr. Lawlor: Is there nothing sacred in this place?

Mr. Speaker: Order.

Mr. Lawlor: That posturing over there—

Mr. Speaker: Order.

Mr. Lawlor: —that preposterous hypocritical son over there—

Mr. Speaker: Order. I would caution the hon. member that we have already dealt with Bill 80. We are dealing with the principle of Bill 81.

Mr. Roy: I can understand, Mr. Speaker, that the people to my left would get very exercised, perplexed and I don't know what I can call it, if I had to go through such an embarrassing experience as they just had. I would stand up on points of order regularly and try to avoid any debate on this.

Mr. Lawlor: We have been standing up for many years; the last bastion—

Mr. Roy: There he is. That's what I mean. Look at him.

Mr. Speaker: Order.

Mr. Lawlor: You couldn't expect much liberty from the Liberals.

**Mr. Speaker:** Will the member for Lakeshore come to order?

**Mr. Lawlor:** I think I will.

**Mr. Speaker:** We are dealing with the principle.

**Mr. Lawlor:** Reluctantly, I will come to order.

**Mr. Speaker:** Order.

**An hon. member:** Don't throw him out.

**Mr. Lawlor:** Order is one of the last things I think I should come to.

**Mr. Speaker:** I won't caution the hon. member again.

**Mr. Lawlor:** Caution!

**Mr. Speaker:** We are dealing with the principle on second reading of Bill 81, An Act to amend The Small Claims Courts Act. The hon. member for Ottawa East.

**Mr. Roy:** Thank you, Mr. Speaker.

**Mr. Breithaupt:** Don't provoke him.

**Mr. Roy:** I'll certainly try not to be provocative in any way whatsoever, Mr. Speaker, and speak to the principle of this bill.

**Mr. Lawlor:** Stay on the point.

**Mr. Roy:** On a number of the other bills we have passed, I have certainly made critical comment about how most of this legislation in fact was at best superficial and that we weren't dealing with the real problems within the administration of justice. We on this side of the House would have liked to see much more meaningful legislation come forward to solve the problems in the administration of justice.

**Mr. Lawlor:** Is that the principle?

**Mr. Germa:** There are too many lawyers in the courts. That is the trouble. Why don't you talk about that? Take the lawyers out of the courts.

**Mr. Roy:** My God, these people to my left, Mr. Speaker, are provoking.

**Mr. Germa:** You know what is plugging up the courts.

**Mr. Acting Speaker:** Order, please.

**Mr. Roy:** I can see they are exercised. I suppose they are embarrassed somewhat by the approach they have just taken on the previous legislation and they are trying to cover up, through noise or otherwise.

**Mr. Acting Speaker:** Could I ask the member for Ottawa East to stick to Bill 81? The other debate is finished.

Interjections.

**Mr. Acting Speaker:** Order. Could I ask the members to the left of the member for Ottawa East to please pay attention to the

member for Ottawa East and to forget the last vote?

**Mr. Germa:** He is antagonizing us.

**Mr. Acting Speaker:** Will the member for Ottawa East please continue?

**Mr. Roy:** Thank you, Mr. Speaker. This legislation, the Small Claims Courts Amendment Act, is the typical example and the evidence of how, unfortunately, the neglect of the administration of justice for so many years is catching up to us. It also demonstrates, as I said to the Attorney General earlier in the day, why the administration of justice, which is an important factor in our whole law and order approach that should be followed in every democratic society, should not be hampered by budgets.

Back in 1963, however, the McRuer report made certain recommendations—

**Mr. Martel:** You never even read it; somebody told you about it. Are you talking about the McRuer report?

**Mr. Roy:** —to enhance the whole system and procedure within the Small Claims Courts Act. There was a whole raft of suggestions about how we could best enhance the case flow within the small claims court system and make it more efficient and more responsive to the needs of 1977 justice. That was suggested back in 1963, but nothing was done.

Further recommendations came forward in 1974 from the Ontario Law Reform commission. Some of these recommendations have been accepted now, but really we are not dealing meaningfully with the problems within the administration of justice.

Small claims court is important. I suppose a higher percentage of the people are dealing with small claims courts than are dealing with Supreme Court or even the county courts and, unfortunately, they are having to go through a system which they consider to be not responsive to 19th or 20th century society and which gives the whole administration of justice a black eye.

I read from the compendium: "These recommendations have been fully analysed and assessed and a decision made not to implement them at this time." It also states: "Practical consideration militates against the present implementation of the recommendations. The ministry appreciates that many desirable programs must be deferred in view of the governmental program of financial constraints. Fundamental structure change of the small claims court may be delayed without significant damage to the administration of justice."



That whole paragraph is contradictory, because the Attorney General basically is suggesting that the recommendations of the Law Reform Commission and in the McRuer report are recommendations which will not enhance the administration of justice and are not needed.

**Hon. Mr. McMurtry:** Read the rest of the compendium.

**Mr. Roy:** I can read the rest of it. The Attorney General can read it, I suppose, in his reply. But it goes on to say: "The decision not to implement the Ontario Law Reform Commission recommendations is not based solely on practical considerations.

"The commission asserts that the time has come to restructure the small claims court system so that the general principles of its administration may be consistent with those applicable to other court systems in the province." I am not sure how that in any way waters down what the previous paragraph says.

What we have is a situation where recommendations have been made in 1963 and in 1974, but a decision has been made by this government not to accept these recommendations. They are saying, "We can't do it because of financial constraints but, don't worry, we don't feel that there will be any significant damage to the administration of justice." That's hogwash. There will be damage.

Unless we deal meaningfully with some of the problems facing the administration of justice at this level, there will be damage to the administration of justice—and there has been damage to the administration of justice. It is no accident that out there the public is cynical about many procedures, about what is going on in our courts and about what is going on in the small claims court.

We on this side are all in favour of private enterprise.

**Mr. Martel:** No, we aren't. Don't put us in there.

**Mr. Roy:** I guess they are not.

**Mr. Martel:** Don't put us in with those guys.

**Mr. Roy:** I wouldn't dare talk for those fellows tonight, I tell you, Mr. Speaker. I wouldn't dare associate myself with the people to my left—of course not, I wouldn't.

[9:45]

Interjections.

**Mr. Roy:** These people who would deny wives costs against defrauding husbands. What kind of a party is that?

Interjections.

**Mr. Acting Speaker:** Order.

**Mr. Peterson:** Poor party.

**Mr. Roy:** In any event, Mr. Speaker, I know it's offensive when I talk about private enterprise to the people on my left. It's offensive. Of course it's offensive to them.

**Mr. Martel:** You are right. You keep screwing up the people.

**Mr. Kerrio:** That's unparliamentary language. Did you hear that terrible language, Mr. Speaker?

**Mr. Roy:** Oh, my God. It's very unparliamentary language, Mr. Speaker.

**Mr. Acting Speaker:** Order.

**Mr. Kerrio:** I think that is a good idea, Mr. Speaker.

**Mr. Acting Speaker:** Would the members for Niagara Falls and Sudbury East please listen to the speaker? The member for Ottawa East, please continue.

Interjections.

**Mr. Roy:** I was saying that we on this side are all in favour of private enterprise and encouraging private enterprise.

**Mr. Martel:** No, we are not.

**Mr. Lawlor:** Which side are you on?

**Mr. Roy:** But, we feel that private enterprise may not be the best place to have this, or it's not the type of system we should have within the administration of justice.

Interjections.

**Mr. Roy:** But the administration of justice shouldn't be operated on a profit and loss. There are more important criteria to be applied to the administration of justice than just making a profit or creating jobs or things of this nature. That's why, of course, the decision has been made to carry on with private enterprise, to pay clerks on the basis of the work that's done, the actions that are issued, and things of this nature. McRuer found that unpleasant, that it was not in keeping with the system of the administration, and I'm sure the Law Reform Commission had certain reservations about it as well.

There are certain things that cannot be judged just on the basis of efficiency. It has to be judged on its merit, on how it best serves the public, and I think one area certainly is in the administration of justice.

**Mr. Peterson:** Well said.

**Mr. Roy:** It seems to me somewhat offensive that in 1977 society, when this government and this province pride themselves in having the best, whether it's in health care

or otherwise, we're still talking about private enterprise within the small claims court.

I'm concerned about that because it's open to abuse, of course. We've seen situations when, in fact, that has happened. I need not remind the Attorney General that there was some frowning of certain individuals in the Ottawa area when the barber of the member for Ottawa South (Mr. Bennett) was appointed a small claims court clerk. That's fine. He may have been the most qualified individual. But people start asking on what basis are people appointed within the administration of justice? If one is to look at the response of the member for Ottawa South—

**Mr. Peterson:** He is willing to cut hair, what do you expect?

**Mr. Roy:** —he said he listened to a lot of problems, possibly more than a priest and more than the local doctor. That may be, but I sort of get suspicious when I see his campaign manager appointed sheriff and then I see his barber appointed court clerk.

**Mr. Martel:** He appointed my friend.

**Mr. Roy:** So that's the type of thing which makes people cynical about the process.

**Mr. Martel:** He appointed my friend Pharand. Ask him.

**Mr. Roy:** There are certainly amendments within some sections of the legislation which we feel represent progress, which we applaud and we will support. For instance, the increase in the amount of monetary jurisdiction makes sense today because we shouldn't limit the jurisdiction of the small claims court to \$400. In the inflationary spiral we've had since the early Seventies, that was not in keeping with or being responsive to the needs of the community. Raising it to \$1,000 appears to us to certainly be reasonable in the circumstances.

The question of the venue, the place of trial, is something that's important as well. It appeared to me that there certainly was abuse, as was pointed out in the compendium about certain enterprises operating out of urban centres through mail order offices and itinerant salesmen. We're certainly in support of the fact that the section will be repealed that would permit the bringing of certain contract actions in a place where payment was made. Respectfully, Mr. Speaker, it was offensive to the system. The general principle is that litigation should be brought within the jurisdiction where the people reside. That was the main criterion; certainly not where payment was made.

I go on to applaud certain aspects of this

legislation; for instance, the informality in the procedures, relating to certain people who appear before a court without being represented. It's important that those cases not be curtailed or that certain evidence which would be important or relevant to the whole process not be denied just on the basis that the claimant hadn't met certain rules and regulations pertaining to procedure. We certainly can applaud this.

It makes sense that certain of this evidence be admitted, that the judge again decide what weight should be given to that evidence. Very often a good claim would be denied just on the basis that the litigant or the claimant was not in a position of knowing the law, had not taken proper procedures, had not met the rules of evidence and so on. Certainly, Mr. Speaker, we're in favour of amendments such as this.

The monetary limit on the appeal is, I suppose, in keeping with changes, such as the inflationary rate. From \$200, I suppose, to \$500; that makes sense to us.

The question of prejudgement interest is another method—

**Mr. Peterson:** We are against all inflation, though.

**Mr. Roy:** —of encouraging the settlement of actions. We're in favour of this section, certainly.

**Mr. Peterson:** Get on the record that we are against inflation.

**Mr. Roy:** A lot of this is housekeeping, of course, in keeping with other regulations that have been changed in the other court. For instance, the taking of affidavits by an agent or solicitor for the client. That seems to make sense. If it was allowed in the Supreme Court, why wouldn't it be allowed in the small claims court?

But I suppose one of the sections which we on this side applaud most strenuously—and I would suspect maybe the members on the other side might vote against it—is the one which repeals—

**Mr. Lawlor:** Don't invite us.

**Mr. Roy:** —the Small Claims Courts Act which created a pre-trial garnishment. I would suggest to the members to my left—

**Mr. Lawlor:** Oh, really, really.

**Mr. Roy:** —that they should vote against this. It would be consistent with their voting against the other bill.

**Mr. Lawlor:** Early 16th century, benighted unenlightenment.

**Mr. Roy:** If they want to be consistent this evening, I expect them—

**Mr. Lawlor:** What are you talking about?



**Mr. Roy:** —to oppose the bill on this.

**Mr. Lawlor:** You like to hear your own voice.

**Hon. Mr. McMurtry:** They voted against deserted wives.

**Mr. Roy:** That's right. They voted against that. My colleague, the Attorney General, mentions the deserted wives. They'll all be in favour of pre-trial garnishment, I suppose.

**Mr. Lawlor:** That's the one thing you wouldn't vote against. Benighted. Unenlightened.

**Mr. Roy:** I'm looking forward to some of the things they're going to say on this legislation. But, certainly, we on this side have always felt that if people are going to start garnishing—

**Mr. Lawlor:** You haven't always felt it.

**Mr. Roy:** —they should have obtained judgements, and judgements which had been obtained on the merits and not just on the fact that a claim was issued. We felt that this section was, on many occasions, being abused and abused by people who had been in a position to take advantage of it.

**Mr. Lawlor:** I haven't heard you say so.

**Mr. Roy:** I'm talking about finance companies and people who had the whole apparatus to not only intimidate people who they were after, but who were using this section as the main section for the intimidation of people who did not have an opportunity of disputing a particular claim.

Having made these comments, again—and I will emphasize again—we feel that if we were dealing seriously with enhancing and making meaningful changes to the administration of justice, we would have liked to have seen a more substantial bill. I'm sorry that we don't see such a bill. So what attitude does a party take when it feels that the legislation should have gone further?

We obviously have to support what we're being offered. We're not going to vote against this legislation because we feel there should be more in it. But, certainly, it's important that we emphasize that this party would have gone much further.

This party is seriously dedicated to making meaningful changes within the administration of justice. We don't feel that justice should be allocated out on the basis of how much money is available, that there should be monetary constraints on dispensing justice across this province. We think that is a bad criterion and we want to condemn it.

**Mr. Peterson:** Great speech.

**Mr. Lawlor:** Towards the middle of the 19th century, James Cardinal Henry Newman

wrote a book called "Apologia Pro Vita Sua" against Charles Kingsley. Charles Kingsley was a Liberal. He wrote "The Water Babies," who were buried under 13 fathoms.

**Mr. Kerrio:** That ancient history is not going to sit well with us.

**Mr. Lawlor:** The Apologia had to do in this particular context, at least, with the fact that the provisions of the Law Reform Commission of Ontario were not implemented. And beating his breast and baring it to the winds of heaven, the Attorney General comes before us with the compendium. I think if we use the compendium half valuably, he will eliminate it from our prospectus. It says:

"The McRuer report, in 1963"—that's a long time ago—"and the 1974 Ontario Law Reform Commission on administration of Ontario courts recommended the abolition of the part-time private enterprise system of administration of justice in the small claims court."

And so have we. But I'll stand here tonight and say, "I don't blame you." If I were the Attorney General I wouldn't either. I'd take the same position he is taking—the costs of absorbing it into the total system would be too great at this time in history. I don't think it's particularly feasible. Basically, they recommend: That the court be given county or district-wide jurisdiction; that the administration of these courts be decentralized in the county and district seat with branch offices established where volumes of claims or remoteness demand; that sittings of the court be held on circuit at locations within the county where the circumstances indicate; that the fee system for the payment of clerks be replaced with smaller claims clerks with salaried members of the civil service; and that the office of bailiff of the small claims court be replaced for the use of the sheriff's office.

The Attorney General at least has the effrontery, or I suppose he might call it the honesty, to set forth his position and that which he rejects out-of-hand and doesn't accept at this particular time. He says he's not going to accept it, that the constraints are such that, to absorb that private enterprise aspect, the last remnants, would not meet our needs at this particular time in history.

**Mr. Roy:** It's not the last one.

**Mr. Lawlor:** Yes, it is.

**Mr. Roy:** The justices of the peace are a private enterprise.

**Mr. Lawlor:** They're all under salary tenure.

**Mr. Acting Speaker:** Order, please.

**Mr. Lawlor:** The operative ones are within the salary structure.

**Mr. Roy:** They are—like hell.

**Mr. Lawlor:** There's a few kicking around, Mr. McRuer points out, but they don't know under which stone they're buried. Of the 1,073, they're only able to locate 822. All the rest are missing. It's a missing persons bureau. I wouldn't take it too seriously because they're not deriving any salary from the consolidated revenue funds.

All right, so the Attorney General is not going to implement the Law Reform Commission terms at this particular time and I'm not going to take very much issue with that. I wouldn't either. It sits out there; the sum consolidation has been met. The number of small claims, or what we used to call division courts, are being cut back gradually. But he says that people going 120 miles to dispute or contest a \$50 claim is an overburdening of the system.

**Mr. Roy:** We are not saying that.

[10:00]

**Mr. Lawlor:** So we'll let well enough alone for the time being, so that we can move into the new Jerusalem just the day after tomorrow. I am prepared to hold my breath until it happens.

The first factor in this legislation is that the Attorney General is not going to absorb it but is going to reform it a little bit. He is going to take out the more invidious features of the whole situation. He is going to start appointing small claims court judges. There are three of them I believe—I am not sure—three I think in the Metropolitan Toronto region—but by and large we are going to start appointing them. And that's fine. But why use county court judges, men highly trained in intricate law, for this particular thing? Perhaps the minister should go as far as the Quebec courts in the small claims, where they won't let lawyers into the courts, so that the citizenry, the populace as such, can handle their own cases and not be opposed by slick lawyers on behalf of collection agencies. This is part of it.

**Mr. Roy:** The minute we proposed that the member would say we are denying a basic right to be represented by counsel.

**Mr. Acting Speaker:** Order, please.

**Mr. Kerrio:** Say it, Pat.

**Mr. Lawlor:** It's at such times the new ice age begins—as the Pliocene, you know, the business of the pictograms in the cave. You do hear it from the Liberal Party from time

to time, Mr. Speaker. You see the simplistic drawings, et cetera—the figure of the rhinoceros that ceased to exist 3,000 years ago. This is the kind of thing that we are up against, the minister and I. The red Tory and the red socialist should be worth the pink socialist, I believe. But what the hell can we do with these people? All blue.

**Mr. Roy:** And a Liberal in there to keep you both in line.

**Mr. Lawlor:** So they come to small claims judges for this particular level of court. You know, Mr. Speaker, you can take them out of the air—in other words, practising lawyers in a particular district—if the court happens to be vacant that day. It has been the practice to enlist their aid to take over the courts for that particular period—that's not very wise. It adds to the prestige of the local lawyer who sits in for the afternoon and takes over the cases. But to have full-time small claims court judges under this Act will add to the prestige of this particular court and relieve the county court for more pressing engagements.

The second thing that is important is the referee. I want to refer to that because the job these men are doing is terribly important. In the notes which the Attorney General supplied us—and simply because we use them against him, let him not desist, or even decess—the Toronto referee's office is essentially a judgement debt conciliation service designed to reduce the work load on the judiciary. The referee gathers information voluntarily given by judgement debtors who seek assistance and relief, often from the conflicting claims of several judgement creditors. With the knowledge of the debtors he has he approaches judgement creditors in an effort to establish consensual payment arrangements. He does a yeoman's service.

It has been done under the office quite informally without any legislation justification whatsoever from the chief judge. It was one of his more imaginative moments. It may justify him for eternity in all other terms. Whatever else he has done badly, he did this single thing. You know, in our lives we only have to do one thing well and people remember us and they will forgive us everything else. Let's hope so.

Anyway, I sang tonight and all my sins are forgiven. I may walk out a shorn lamb to whatever slaughter these bloody Tories may subsequently dispose. All right, so the same thing happens to judges, the chief justice in this particular instance. He sets up the referees and the Attorney General is legitimizing them. He legitimizes children,



bless him. Now he is legitimizing and pouring a little holy water on the heads of referees. My God, the baptismal font is full tonight. I mean, overflowing. It may inundate the basement if we don't watch out.

So the referees are all set up. What a valuable service. Here is a judgement debtor with a number of judgements against him proceeding through that particular court level, et cetera, who can only find alleviation by some kind of arbitration. There is no arbitration provided in the ordinary course of affairs. He has to divide up what little income he has among half a dozen bloody creditors, and more coming in all the time, thank you.

The referee performs this function. And to recognize it, to give it legislative sanction, is a major step for a hundred thousand people in this province. A very large number of people are caught in that web. All right. Even if we do so little in the little time we have here, the minister can place his hand on his forehead and say, "All right, I made it worthwhile—whatever other iniquities you have to suffer from during the course of the day."

On interest, I won't say anything. Interest we discussed earlier with respect to the wide range of the times at which it was initiated on prejudgement, et cetera. We haven't talked about post-judgement yet, we'll get around to it I suspect, and the various instances in which it appears—and the time is running with respect to this interest situation.

May I pause just one moment? It bothers me just a bit because of the prime rate of interest. Because of the limitation periods, and the fact that one doesn't have to sue for six years, 10 years, 12 years, we have never got around to the interest stacked. Then there is the time after that with respect to notices, et cetera. It bothers me a bit that the interest just possibly could exceed the amount of the principal. That's the way with interest, you know. "With usuria, there is no alleviation." I quote from Ezra Pound, the old pop-eyed, caged poet, who did say some things of value.

That particular poem is right from the middle ages. They didn't cut off interest in the Middle Ages, à la Bassanio in *The Merchant of Venice*. They did cut it off on the basis it was a sure usufruct over against the equity. They allowed the risk of the venture. When they sent ships off into the Atlantic, they permitted a certain return larger than the average.

The whole of capitalism is a simple question of interest. Those who earn interest—

Mr. Ruston: What section of the Act is this?

Mr. Lawlor: —means that they do nothing for it. There is no sweat. They sit and wait and it flows back in. The banking industry—who the hell can build the magnificent—if you call them that—black towers, which Byron hated, down in central Toronto? The banking institutions. And what do they do it on? Something called interest. All right. This is not the point. The Treasurer not being in the House, it is kind of wasted pushing that particular point.

Fourth point. The Attorney General is accepting a broader view of evidence. He should accept the broader view of evidence with respect to hearsay, with respect to dying declarations, with respect to the whole panoply of those absurdities. What can one expect from a professional institution? We will willy-nilly, ineluctably, erect for ourselves a whole panoply. This is our professional rectitude, to set up nice rules of evidence as to what is excluded, what is included, what the judges may consider, and what may be considered outside the pale in a thousand instances. It serves our particular sanctimony. It always has with professional associations.

In this particular Act and, I'm suggesting, in a much wider context, the rules of evidence are jettisoned, and overlooked. They say, "You may present whatever documentary evidence you please." It's up to the judge sitting on the bench to say what it's worth. And so it should be in all the higher courts too. I hope this is only the beginning; that centuries and centuries of overlay, of obfuscation and the archaic, in the terms of the silly rules of evidence, will be wiped away and that what common men, what ordinary men, consider evidential, and would consider to have weight here and there, we can entrust to our judiciary to weigh similarly and say, "I don't place very much weight on that person's evidence. I think that person's a liar or is serving his particular interest"; so that, in another way, will give weight to it.

That seems to me far closer to the grain. Our rules of evidence have developed such an artificiality that they obscure the truth, prevent it and act as a wall against penetrating honesty and human decency, rather than extracting and revealing it. Quite the contrary happens. It brings about, through these artificialities and this damned civilization, the contrary effect of that which was originally intended.

Why don't we be honest enough men to come to that recognition and say let's clear out some of this dross and this pretence that governs human affairs? The minister is doing it in this particular piece of legislation, up to a point, and I assent to it.

He has extended the monetary jurisdiction up to \$1,000. That's quite a move. That will cover a lot of ground, \$1,000 in cases. I'm in favour of it with all these relaxed rules and everything else.

It will relieve the county court level, which ipso facto will relieve the next highest level. It has that cascading effect. If the minister moves in on the appointment of small claims court judges, it will beneficially affect the whole system. Those judges, I suspect—and I don't know what their wage level is, but it would be probably somewhat lower than the others—will siphon off a great deal of the friction and discontent that is accumulating and building in these lower figures with respect to getting their adjudications. The fact that they can penetrate through all the web of built-up evidential rules and come to some kind of adjudication will be highly beneficial to the county court level and will clear that out.

[10:15]

The next thing that he has done is what I call the T. Eaton section, section 6 of this particular legislation, that is that if one stipulates in one-year contracts that the place of payment will be the city of Toronto, then they may use the first division or small claims court of the city of Toronto as their forum for adjudication.

That is not fair, and never has been, to many defendants who are obliged to return and resort to an office, I believe, on Adelaide Street in Toronto, in order even to file their claim and to make their objections known.

That is a very heavy burden. It was a plagued commercial interest to the major corporations who stipulated, for this particular fact, that wherever you made your payment—and they said where you made your payment; if you had bought the thing in Moosonee, your place of payment was Toronto and that is where the action could be initiated and carried out, obviously much to the detriment of the defendant, whatever defence they may have in this particular case. The Attorney General is wiping that out. He is saying the venue of trial basically is where the defendant resides; and that is fine, that is the way it should be. And in the Metropolitan area, there is a diversity of small claims courts which can handle that.

I don't know how much weight to put, Mr. Speaker, on the business of wiping out the garnishee before judgement, but over the years there has been nothing more iniquitous. Imagine, before your case is tried, before the merits of that case are in the least determined—you may have no merits whatsoever—

you may garnishee a man's salary. That was done constantly and overtly by all kinds of collection agencies, et cetera, throughout our province. I came across it time after time.

It brought the whole of the justice system under disrepute that you would issue this particular kind of document to initiate your whole proceedings. The cries have been sufficient and finally have not come to deaf ears. This Attorney General has finally heard, and I credit him for it. So I hope he is wiping it out tonight, that you may not garnishee before judgement. It is incredible that it ever existed at all. In no other court would it be heard of. The outcries from the profession and from the people who were being afflicted would have been such—but somehow or other this has persisted for half a century in this particular area.

Finally, I do find it a little questionable that you cut off appeals to the court of appeal on any monetary judgement under \$500. That gives a great amplitude to arbitrary judges. He knows, sitting on the bench, that if he awards judgement for \$499 or \$490 you are cut off. I have seen it done. I have stood in the courtroom and watched that particular procedure. Not on that basis, but on lower, I think it was \$300 at an earlier time, and it was almost a kind of defiance.

I think if people feel they are legitimately entitled to appeal, those figures should be lower. Again, it is a kind of petty thing, the setting up of a numbers game. I think \$300 should be retained at the very least, even with all the inflationary pressures from which we suffer. It gives a kind of egotistic satisfaction to a judge to play you under the figure and keep it down. He knows he is not subject to the scrutiny of the higher court. A more salutary thing is for lower court judges to be aware that the higher court has overseership. It keeps them much more sensitive to the currents operating in the law.

Apart from that one factor, I find your legislation on the whole quite palatable, and we will vote for it. Thank you.

**Hon. Mr. McMurtry:** Thank you, Mr. Speaker. There is very little to add to the eloquent support of this bill that we have already heard from the two speakers, except in relation to the matter of appeal. I think this whole issue of the appeals is very much a two-edged sword. I think it's quite true, what the member for Lakeshore states, that if a judge is sitting on a matter under \$100 knowing that it cannot be appealed there could be a temptation to be arbitrary. But I rather think that really plays very little role with judges today, and I rather



think that it could be abused by the wealthier litigant through appeals, by forcing the small ordinary citizen through an appeal. And obviously, the only reason for appealing an amount under \$500, considering the cost of the appeal, would be on a matter of principle. Regrettably, people of means are more likely to take advantage of that; or to put it more accurately they are more able to afford the luxury of appealing on a matter of principle.

So my concern is that this would detract from the character of the people's court and could, again, be used as an instrument to beat about the head of the small ordinary litigant who just could not really afford to seriously fight an appeal when it amounted to something under \$500. So I would just simply ask, with respect Mr. Speaker, that the member for Lakeshore reflect on that and reconsider his position.

Motion agreed to.

Ordered for committee of the whole House.

**Hon. Mr. McMurtry:** I am prepared to go into committee now, although there is one other bill in committee of the whole House; I think it is Bill 77. I wanted to advise the members that two or three issues—not of major importance—have been raised by the rules committee of the Supreme Court, so I was going to ask that the committee of the whole House defer the consideration of Bill 77 until next week. Perhaps in view of the fact that there are some parallels between both bills, they should both stand over until next week.

**Mr. Breithaupt:** Mr. Speaker, we would

attempt to have both of these bills dealt with next Tuesday. I believe there is a request to revert to orders of the day, and perhaps we could complete our evening once that item was attended to.

**Mr. Foulds:** Mr. Speaker, could we ask the unanimous consent of the House to revert to bills so that the member for Scarborough West (Mr. Lewis) may introduce for first reading his balloted item. The precedent was set earlier this afternoon, Mr. Speaker, when it was agreed to do so for the member for Durham East (Mr. Cureatz).

**Mr. Speaker:** Does the hon. member for Scarborough West have unanimous consent? Agreed.

**Mr. Lewis:** I much appreciate the House's indulgence. It was my neglect that precipitated this.

#### INTRODUCTION OF BILLS TOXIC AND HAZARDOUS SUBSTANCES ACT

Mr. Lewis moved first reading of Bill 90, An Act respecting Toxic and Hazardous Substances.

Motion agreed to.

**Mr. Lewis:** Mr. Speaker, this bill is quite consciously put forward to fill the gap which is not covered by the present Occupational Health Act dealing with the testing of hazardous substances by an independent research agency prior to their introduction into the work place or the environment .

On motion by Hon. Mr. McMurtry the House adjourned at 10:26 p.m.

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# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Thursday, November 3, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.





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# LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 3, 1977

The House met at 2 p.m.

Prayers.

## INCREASES IN ESTIMATES

Mr. Nixon: Mr. Speaker, on a point of order: I draw to your attention standing order 86 of the Legislature, which states as follows: "Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds may not be passed by the House unless recommended by a message from the Lieutenant Governor, and may only be proposed by a minister of the Crown."

This particular rule, of course, has been applied on the constitutional basis of the development of our whole system of government. I understand that yesterday the committee dealing with estimates of the Ministry of Community and Social Services had to adjourn because it was asked by the Chairman to consider a vote for the expenditure of public funds that had not been so supported by a message from Her Honour. I want you, sir, to look into the matter, and perhaps with the assistance of the Chairman of Management Board (Mr. Auld) or the Premier (Mr. Davis) we can find what the circumstances involve.

I bring to your attention briefly a statement made by the Minister of Community and Social Services (Mr. Norton) whose estimates were under consideration, in which he said, on June 30, in Hansard, on page 222: "At this time I would like to table information on the contents of an order in council which has been passed to create a new vote in the children's services division to effect the transfer by July 1. Vote 2084"—that may be a misprint, it should appear as 2804, but that's another matter—"for children's services . . ."

I simply draw your attention to his statement, because I question whether or not a new vote can be created that way; although an order in council has been put forward, it does not appear to have the support that would permit the chairman of the standing committee on social development to go forward with the debate, and finally the passage of the amount of money.

What deeply concerns me is that it appears these estimates are based on a budget arrived at even before the election. They are seriously out of date. The Treasurer (Mr. Mc-

Keough), or any other member of the government, has not brought forward supplementary estimates which may regularize them. We have the distinct impression that the government is spending money which has not been approved by the House, nor has it even been put forward in our estimates.

For that reason, sir, I believe that it is a very serious matter indeed, and I would like your direction to see not just that we regularize it, but that the whole procedure for the expenditure of these moneys is put on a democratic basis for the debate and consideration of our House and its committees.

Mr. Speaker: I might ask the hon. member for St. George is this a related matter?

Mrs. Campbell: Yes, Mr. Speaker, I'm speaking to the same point. I must say that I regret to be critical of the new minister in this area, because I recognize that perhaps he has not had the experience of some of his colleagues; but I would draw to your attention, Mr. Speaker, section 31 of the order passed by this House on June 27, 1977, which states: "Ministers should provide advanced briefing material to their opposition critics before consideration of their latest estimates in a form to be determined by each minister."

With regard to the Community and Social Services estimates, members of the social development committee received such material from the ministry. Included as well were annotations which indicated supplementaries of \$1,111,300 for ministry administration. Vote 2802 has also been altered by the children's services transfer, \$124 million-odd being transferred to that new division. As well, material contained in the briefing book indicates that the ministry received some \$3,665,500 in additional funds.

I would like to know, Mr. Speaker, the authority for this. It has been pointed out, or reference has been made to the order in council. I have the order here. It does not do what it was purported to do, and in any event I question the propriety of proceeding by order in council to add additional funds to those contained in the earlier estimates.

In addition, there are major discrepancies between the estimates book and the Community and Social Services briefing book that are not explained by the children's services





transfer. I would draw to your attention, Mr. Speaker, vote 2803, item 3, community programs capital. The briefing book gives one figure while the estimate book gives a different figure, a higher figure than that in the estimate book. Under the same vote and item, the briefing book gives a figure of \$21,075,000 for operating expenditures while the estimate book shows a figure of \$26,028,800, which represents a \$4 million, nearly \$5 million, difference.

Mr. Speaker, I view this matter seriously and I'm concerned, and not only in regard to this ministry, whether or not it has become the practice in this province to bring forward increased estimates without the use of supplementary procedures. If that happens, I think we're in serious trouble, Mr. Speaker, in this House.

Mr. Sargent: What's \$4 million?

Mr. Speaker: Before I recognize the hon. member for Bellwoods, I think on the basis of what I've heard there seems to be cause for the lodging of a grievance. I don't think we have to get into a debate on it. If the hon. member for Bellwoods has something substantive to add to it before someone wishes to respond on the other side, I will hear him.

Mr. McClellan: Thank you, Mr. Speaker. Very briefly, I wish to comment on the issue before us. I was the one who moved the motion to adjourn the committee yesterday because of the impropriety of the presentation of the fourth vote.

Mrs. Campbell: I was the one who refused to go on.

Mr. McClellan: The issue is that some of the money is in other estimates of other ministries which are properly before other committees; and some of the money is new money, which is absolutely nowhere in terms of the proper procedures of this House. This issue is an incredible and largely inexplicable mishmash that needs to get sorted out, hopefully by Monday afternoon so that our committee may resume the very important business of looking at the estimates of children's services provided by the Ministry of Community and Social Services.

Mr. Lewis: I like that, inexplicable mishmash. Boy, that captures the minister perfectly.

Mr. Speaker: The Chairman of Management Board.

Mr. Lewis: I like that.

Hon. Mr. Davis: It's going to be explicable right now.

Mr. Foulds: Not with him it isn't, not with flannel mouth.

Hon. Mr. Auld: I have become scrutable.

Mr. Nixon: I thought you were impregnable.

Hon. Mr. Auld: Mr. Speaker, it is correct there is a problem with the continuation of the estimates of the Ministry of Community and Social Services.

Mr. Lewis: I told you we should have Jim Taylor back. It didn't happen when he was around.

Hon. Mr. Auld: As hon. members are aware, the new division of children's services was put together from the Ministry of the Attorney General, the Ministry of Correctional Services, parts of them, and the Ministry of Health. The amounts relating to those expenditures are still shown in the originally printed estimates in those ministries.

At the time this was done, there was an incorrect assumption made that the precedent in the estimates of the Ministry of Transportation and Communications two or three years ago, when amounts were reduced by order in council rather than being added, and which was acceptable to the House, that the same procedure would fit for the addition in this instance, of an amount of roughly \$4 million, as has been mentioned. It was brought to the attention of the committee and the ministry that that was improper. In the absence, at the moment, of the House leader of the government (Mr. Welch), the proposal which he was going to put forward to the House leaders is as follows.

There are three votes in the Ministry of Community and Social Services estimates. The fourth vote, the one reportedly established by order in council, is the one that is the problem. The government House leader is proposing to have the children's services estimates debated as part of Community and Social Services expenditures, but have them voted on where they now exist in estimates of the Ministries of the Attorney General, Correctional Services and Health. The order in council then legally transfers the responsibility of the amounts in those groups and items to Community and Social Services to allow them to operate.

Mr. Lewis: I give up.

Hon. Mr. Davis: It is simple.

Hon. Mr. Auld: However, supplementaries will still be required for the approximately \$4 million in extra funds which have now been authorized legally to Community and Social Services by an authorization for com-





mitment; that amount would be voted in the supplementary estimates when we get the supplementary estimates after the original estimates are completed.

The procedure would be that the Ministries of the Attorney General, Correctional Services and Health would then state during their estimates debate that these amounts that were transferred have been approved by the standing committee when it dealt with the Ministry of Community and Social Services estimates.

Mr. Martel: Remember what happened to Bert Lance with stuff like that?

Mr. Sargent: Do you really understand that, Jimmy?

Mr. Makarchuk: If you do, you are the only one.

Mr. Lewis: That's not really satisfactory.

Mr. Speaker: If I understand the remarks of the Chairman of Management Board correctly, there has been an undertaking that the government House leader will be negotiating with the other House leaders to arrive at an amicable, and what appears to be a realistic, solution to this problem. The remarks have been duly noted. If it seems that the Chair should assist in any way we'll be happy to do so, but I think, with the undertaking given by the Chairman of Management Board, it is negotiable. They are aware of the problem and it seems that it can be resolved.

[2:15]

Mr. Nixon: On the point of order, Mr. Speaker: I would put it to you, sir, that there's nothing to be negotiated. There is a well-accepted procedure that must be fulfilled.

If I may say something further, the hon. minister, in an effort to clarify the matter, has done anything but that. As I understand him, and I would like your assistance with this, he indicated that it was agreed that the cabinet could reduce an estimate, and therefore he extrapolated that to consider that there was agreement that they could increase estimates, which of course could not be further from the truth.

Mr. Lewis: On the point of order, Mr. Speaker, may I ask, sir, that you intrude yourself on the discussion because if I understand the Chairman of Management Board—I have been here 14 years and I never have before; but if on this occasion I understand him, what he is saying, I think, is that the moneys in individual estimates other than those of the Ministry of Community and Social Services, will come before the House

and be passed on the understanding that they are applicable elsewhere, that is in the Ministry of Community and Social Services.

I don't know how we can possibly get into that kind of procedure in this Legislature. It just won't work. I urge you, sir, to take a look at it.

Mr. Speaker: Whatever negotiations are undertaken, they will be carried out having regard for past procedures and having regard for the standing order. I didn't want to leave the impression that we would be making exceptions in this case. It will have to be done in accordance with past practice.

## STATEMENTS BY THE MINISTRY

### SALARY INCREASES

Hon. Mr. Auld: Mr. Speaker, salary adjustments for some 14,000 civil servants in management classes have been determined and will be effective on October 1, 1977, or January 1, 1978, or April 1, 1978, depending on the review date of the respective categories. The global increase for the management payroll has been held to six per cent. Within this overall amount, individual increases will range from 3.8 per cent at the highest salary levels to seven per cent at the lower-paid classes. These increases were determined, having due regard to the statements of the Hon. Jean Chretien that salary increases in the third year of the program should be held at six per cent and our announced determination to restrain all increases and expenditures.

Salary adjustments for bargaining unit employees are subject to collective bargaining. We are currently engaged in negotiation, and I expect arbitration, and I will be reporting the results as soon as the process is completed.

Hon. Mr. Davis: Mr. Speaker, I have two statements to make, but I just want to say before I present them that I understood totally what the Chairman of Management Board was saying in his earlier observations.

Mr. MacDonald: The Premier likely discussed it with him.

Hon. Mr. Davis: No, I just understood it. Unlike the leader of the member's party, I have no trouble in understanding the Chairman of Management Board.

Mr. Lewis: That's entirely true, that's exactly right.

Mr. Foulds: They both speak the same language, it is called flannel mouth.

Hon. Mr. Davis: That's been part of the NDP leader's problem on other matters.





### DESTINY CANADA CONFERENCE

Hon. Mr. Davis: Mr. Speaker, I take great pleasure in tabling today the final report of the Destiny Canada Destinée Conference. As members will recall, the conference, held in Toronto in June, was hosted by York University with the support of the government of Ontario.

I think those of us in this House who participated in the conference would agree that it was worthwhile and an initial step in involving the people of Canada in the process of resolving the issues now facing Confederation.

It successfully brought together over 500 Canadians from all walks of life and from all regions of the country, representing the full divergence of views which exist across Canada on these issues. The conference provided a unique opportunity for the participants to consider and discuss both the strengths and strains of our federal system and to reflect on possible solutions.

I personally attended several of the sessions, as did the leaders of the parties opposite or their representatives. What I witnessed, Mr. Speaker, both in the plenary and workshop sessions was a frank, lively and, I believe, healthy debate. As a result, many of the participants reported that the experience significantly affected their attitudes and views. That in itself was an immensely satisfying first step to those of us who encouraged this experiment in having Canadians, and not just their governments, look seriously at what they want their country to be.

I will be sending copies of this report to the Prime Minister of Canada, the Premiers of the other provinces, the members of the Task Force on Canadian Unity and all the conference delegates. At the same time, I will be urging them to support various initiatives arising from this conference. Already a number of delegates have expressed interest in helping to organize similar conferences in their region or province. That result, too, is highly encouraging and serves as a useful counter to those who say that Canadians are indifferent to this critical issue.

I would like to take this opportunity to thank the president of York University and the chairman of our Advisory Committee on Confederation, Mr. H. I. Macdonald, for his efforts in organizing and chairing the conference. I would also like to thank the member of the advisory committee, the staff at York University, and the Ontario public servants who worked hard to make this conference the success that it was. Above all, I

would like to thank the participants from our own province and from every part of Canada who gave freely of their time and energies and who made it the notable event it was. Mixing and talking with many delegates, as I did, gave me a very solid impression of the commitment to their country of many of the people we serve.

Mr. Speaker, the task is obviously just begun and many difficult situations lie ahead; but if the initiative taken at York, along with the more recent conference at the University of Toronto and such national endeavours as the Roberts-Pepin Task Force are any indication and serve as examples for the rest of the country, where this discussion must continue, then I think that at long last Canadians will start to give their elected representatives some directions, which I earnestly hope will lead to a great national reconciliation, which in the months ahead it will be the serious obligation of all of us to secure.

### LAYOFF OF NICKEL WORKERS

Hon. Mr. Davis: Mr. Speaker, I want to make a further statement on the situation in the Sudbury basin.

On October 31, I and members of the government met with the Sudbury committee, as it is called, which included the following people: Doug Frith, chairman of the Regional Municipality of Sudbury; Jim Gordon, mayor of Sudbury; Elmer McVey, president of the Sudbury and District Labour Council; Jack Gignac, president of the Mine, Mill and Smelter Workers local; Dave Patterson, president of Local 6500, United Steelworkers of America; Brian Seville, president of Sudbury and District Chamber of Commerce; and Michael Atkins, president, Laurentian Publishing Company. As you can see, Mr. Speaker, the committee represents a wide cross-section of that community.

These people came together earlier this year as a result of concern about the development of their community and are united in their determination to stabilize and enhance its economic future. The committee very ably and forcefully outlined the gravity of the current layoffs facing Sudbury. It also made, in my opinion, a number of useful and informed suggestions which will require the most careful review and attention of this government and of the government of Canada.

I must say, Mr. Speaker, to avoid any possible misunderstanding or disappointment, that there appears to be no quick or easy solution in sight, although I am encouraged by the fact that the company and the union,





I believe, are having constructive discussions at this time. At the same time, recognizing the seriousness of the situation facing Sudbury, I was tremendously impressed with the positive and practical approach of this group.

In recognition of the gravity and the complexity of the problems facing Sudbury and the other mining communities, the government will establish a cabinet committee on the economic future of mining communities to consider those short-term and long-term measures which may be appropriate for our government and other measures which may be recommended to the government of Canada.

The committee will be chaired by the Minister of Natural Resources (Mr. F. S. Miller), and will have the following members: the Minister of Northern Affairs (Mr. Bernier), the Minister of Industry and Tourism (Mr. Bennett), the Minister of Labour (B. Stephenson). The secretary of the committee will be the Deputy Minister of Northern Affairs, Mr. Tom Campbell. Other members of cabinet will be involved when appropriate as the committee deals with various specialized areas.

The cabinet committee on the economic future of mining communities will have as its first order of business the detailed consideration of the presentation made to the government by the Sudbury committee. It will also assume responsibility on behalf of the government for ongoing discussions with Inco, Falconbridge and other employers in the Sudbury area, with the representatives of the workers in Sudbury and with the regional municipality and the city.

I am also pleased to announce that the government, through the Ministry of Northern Affairs, is prepared to provide financial assistance to the proposed Sudbury Economic Development Task Force, which is being organized locally to promote investment, diversification and expansion in the Sudbury region. Funds will be made available to the task force to carry out the necessary studies which will be required, and to actively promote industrial expansion and diversification. The cabinet committee will work with the task force and will provide fullest co-operation with this Sudbury initiative.

Mr. George Ormerod, the director of the new Ministry of Northern Affairs office in Sudbury, and Mr. Ron Christie, deputy regional director, Ministry of Natural Resources, will be available to provide local contact between the task force and the government.

The scope and attention of the cabinet committee on the economic future of mining

communities will go well beyond the current difficult problems in the Sudbury area, although that will be, of course, the first item of business. It will be consulting with mining companies, unions, municipal leaders and other interested groups in order to develop government policies which will assist all of us in dealing with the problems and opportunities common to communities affected by international mining markets.

Mr. Cassidy: They will be doing what you should have done years ago.

Hon. Mr. Davis: As its work progresses the cabinet committee may have referred to it broader questions relating to problems common to all resource-based communities.

At this time I also wish to respond in a positive way to one proposal which the Sudbury committee emphasized. The government will proceed as soon as possible with the construction of its new Sudbury building. This will represent an investment in excess of \$10 million and underlines in the clearest possible terms the continued confidence of the Ontario government in the future of that community.

In relation to the announced layoffs at Inco, the government House leader (Mr. Welch) will, after consultation with the other two House leaders—and I understand there was some discussion at noon today—introduce a motion to enable the standing committee on resources development to review this matter.

In closing, Mr. Speaker, may I say there's no question in my mind that the Sudbury area specifically, and the mining communities of northern Ontario in general, have an extremely important and continuing role to play in the economy of our province. Mining provides the base for jobs and prosperity for hundreds of thousands of our people, both in the north and in related enterprises throughout Ontario. Production from our mines accounts for well over \$2.5 billion annually. Apart from the automotive industry, mining accounts for some 25 per cent of our remaining exports. This, of course, is important for the balance of payments and economic well being, not only of this province but for the country as a whole.

It is clear that we must do all in our power to preserve and expand this industry, because it is not just the people of the north who are affected but all of us are as well.

Mr. Speaker, I would like to say that if all of us can take an example from the determination and the dedication, and the positive contribution which the Sudbury committee has made to this discussion, then I





am sure we can find answers which will ensure the economic future of the mining communities of this province.

### INCOME TAX REDUCTION

Hon. Mr. McKeough: Mr. Speaker, at the recent federal-provincial meeting of finance ministers, I proposed a measure to stimulate the economy through increased consumer spending. I suggested that the provinces should reduce their retail sales tax by two points, with the cost underwritten by the federal government.

The federal government reviewed the situation and chose to implement a personal income tax cut of \$100 for low- and middle-income taxpayers. Although not quite as immediate or direct in impact as a sales tax cut, this measure will nonetheless have a positive stimulative impact. I was pleased to see that the Minister of Finance incorporated other features I suggested.

The tax cut is temporary and it gets the money into the consumer's hands quickly, Mr. Speaker. After careful consideration, I have decided to eliminate Ontario's income tax for persons with low incomes to provide a further boost to consumer spending and confidence in 1978. As a result, tax filers with up to \$2,310 taxable income—\$132 Ontario tax payable—will have their Ontario tax reduced to zero for 1978. This replaces the 1977 reduction of \$88 and continues to ensure that virtually all Ontario taxpayers no Ontario income tax will be payable where no federal income tax is payable.

This important initiative will cost the province \$20 million in 1978 and will remove an additional 140,000 people from our tax rolls. It means that almost 700,000 people in Ontario who would otherwise have income tax liability are now free of tax under Ontario's tax reduction program. As a result of this enriched program, a family of four having income up to \$8,360 will pay no Ontario income tax in 1978.

This significant move will help to strengthen the disposable incomes of those people most affected by rising prices, and I am confident it will encourage consumer spending.

### ORAL QUESTIONS

#### ANACONDA LAYOFF

Mr. S. Smith: Mr. Speaker, a question of the Premier:

In view of the statement of the president of Anaconda Canada Limited that the Etobicoke mill faces being shut down partly because the United States parent is not allow-

ing the Etobicoke plant to compete in US markets, and knowing this pattern to be a common one in Ontario, did the Premier, in his talks with Japanese officials, insist that exports, even in competition with the parent company, be included as a condition of any agreement allowing Japanese firms to locate in Ontario? If so, can he show us any statements he may have made in this regard?

Hon. Mr. Davis: Mr. Speaker, I not only did not attach conditions when I had discussions with the business community in Japan, I made a point of avoiding them because one of the situations we run into from time to time when these matters are raised outside Canada is they suggest to us there are already a lot of conditions. I raised with the Japanese business community what I think is the very real potential of joint ventures, or the use of technology with Canadian capital, and the opportunity in terms of our producers here entering the Japanese marketplace; but, Mr. Speaker, I did not lay down a set of conditions to which I think at the outset the average businessman might say, "Fine, you are here seeking investment from us at the same time as you are setting down a lot of ground rules"; which may or may not make sense and which would be inhibiting I think, in their view, to any, shall we say positive type discussions.

While I recognize the Leader of the Opposition has had vast experience in these matters, my limited experience has been that if you are trying to interest somebody in something, if you are saying to them, "We think there is potential here for you, there is an opportunity for you to see some return on investment"; that you don't create that interest at the same time as you lay out a lot of ground rules and throw up a lot of potentially misunderstood barriers in that process.

So I would have to say to the Leader of the Opposition, no, I didn't.

Mr. S. Smith: By way of supplementary, does the Premier not recognize, and this is something to which the Treasurer has alluded from time to time, that one of the grave problems we have in our manufacturing industry is its lack of export activity, and that one of the main reasons for that is that so many of our manufacturing enterprises are branch plants that are forbidden, as Anaconda was, to export in competition with the mother company? Why continue this same practice which has been so disastrous for us up until recent times?

Hon. Mr. Davis: Mr. Speaker, I am not continuing any practice. I would think, with respect, that the most logical and intelligent way to go, and the route that these discussions should take—whether it is Japan, West





Germany, the United Kingdom or wherever—is first to explain the potential that exists here to the possible investors, to give them as much encouragement as is possible, rather than to say, “Yes, we want your investment, but here are the rules.” They may be inhibiting, they may be somewhat different in our province from the other provinces of Canada.

It may be that if they locate in Ontario they will have more problems than if they locate in Quebec, Manitoba or Alberta. I would say to the Leader of the Opposition this is one of the problems of perception that exists outside this country. He understands and I understand the differences in provincial responsibility and federal jurisdiction, but I have news for the Leader of the Opposition, not everybody understands, shall we say the federated nature of this country. Among the things they find confusing are 10 different economic policies.

Mr. Warner: There are only nine, really.

Hon. Mr. Davis: I would say with respect that while I recognize fully the implications of branch plants in relationship to the question of exports, I also recognize, Mr. Speaker, that this province—I won’t speak for the country, I’ll leave that to the member—still needs investment from outside the borders of the province of Ontario.

If we want to continue to grow, and grow in a healthy way in the 1970s and 1980s, with respect there will have to be this kind of investment. I don’t think you attract it by saying, “Yes, we want you, but there are the rules”; which they may or may not totally understand. I think that would be the second or third step down the road.

Mr. Cassidy: Supplementary, Mr. Speaker: I want to say that I am shocked by the Premier’s lack of concern when 875 jobs at Anaconda are going down the drain, largely because of the embargo on exports imposed by the American parent. Is the government concerned about the restrictions on exports which are put on branch plants in this country; and what concrete steps is it taking to get those embargoes on exports lifted?

Hon. Mr. Davis: Mr. Speaker, once again I don’t want to be provocative, but I say with reasonable respect for the hon. member that I did not in fact say I wasn’t concerned about the jobs at Anaconda.

Mr. Cassidy: The Premier did say that.

Hon. Mr. Davis: I would say to him that if he were any sort of honourable person he might just apologize for suggesting this government did have a lack of concern.

Mr. Warner: What are you going to do?

Mr. Martel: Come on.

Hon. Mr. Davis: I was replying to a question of the Leader of the Opposition, who asked did I say to the potential Japanese investor, here are a whole set of ground rules, one in particular, at this stage of what will be, I think, long-term discussions. If the hon. member is asking me if I am concerned about Anaconda, the answer to that is yes.

I would say further, Mr. Speaker, that this government is making every effort to see if we can find a solution to the situation at Anaconda. The minister can correct me if I am wrong, but because of our interventions in the past few days a further extension on determination of its future has been granted—

Mr. Warner: A snail moves faster.

Hon. Mr. Davis: —subject to the consideration of the union, which is meeting, I believe, this afternoon.

So if the member would update himself he might find out just how interested this government is in Anaconda and that we are making a very genuine effort to see that that company stays in business.

Mr. Makarchuk: Why do you wait until it closes down before you do anything?

Mr. S. Smith: Supplementary: Does the Premier not agree that what he is basically suggesting for us is that we continue going down the road which we have followed these many years, of inviting foreign capital in to serve the domestic economy rather than to export; and does he not recognize that a change in this is absolutely essential? This has to be resolved before we consider such matters as going to free trade in Ontario, which under these circumstances would be absolutely disastrous for us.

Hon. Mr. Davis: Mr. Speaker, I may not be totally knowledgeable in matters of the constitution, but my recollection is that the principle or concept of free trade is really a matter that is determined by the government of Canada, and I am one of those who believes it still should be. That view is not shared universally, but I happen to believe it should be.

Mr. S. Smith: What about the speech the Treasurer (Mr. McKeough) made about it?

Hon. Mr. McKeough: Read it.

Hon. Mr. Davis: Well read it; and read it carefully and read it in its entirety. No one is saying that the province of Ontario has decided to develop its own tariff policy, that we are going to embark upon free trade. I would say with respect that is a matter for





the government of Canada. If the Leader of the Opposition is trying to say, in his own inimitable fashion, that our industry should be exporting more, please read more of the speeches that the Treasurer has made, that I have made, that the Minister of Industry and Tourism (Mr. Bennett) has made—that's the very point we have been making for the past year.

Mr. S. Smith: But not in Japan.

Hon. Mr. Davis: The Leader of the Opposition hasn't the foggiest idea of what was said in Japan.

Mr. S. Smith: Yes I have.

Hon. Mr. Davis: No, he doesn't.

Mr. S. Smith: The Premier just told us; he put on no restrictions at all.

Mr. Lawlor: Supplementary question, Mr. Speaker: As a matter of property and civil rights in the province, a contract, would the government give some consideration to bringing legislation before this House barring that export condition, which makes Anaconda Canada relatively—and I think completely, totally—unmarketable to other consortia forming in this country?

Hon. Mr. Davis: Mr. Speaker, I would really have to seek some legal guidance.

Mr. Breaugh: He just gave it to you.

Hon. Mr. Davis: Listen, I would say to the hon. member for Oshawa, the latest participant in the lists, and I wish him well—

Mr. Breaugh: Watch that kind of comment now.

Mr. Swart: You are hurting his chances.

Hon. Mr. Davis: —and I think he's got a lot of ground to catch up.

Mr. Lawlor: The member for Oshawa doesn't have a question properly before the house.

Hon. Mr. Davis: I would just say to the hon. member for Lakeshore—

Mr. Lawlor: The government is going to have to remove the export bar.

Hon. Mr. Davis: —and he might just say to the member for Oshawa that I have known the member for Lakeshore a lot longer than he has and he has very excellent legal experience et cetera, and I think if he gave me a constitutional opinion he would probably, if he did it as he used to, say that that really would be, basically, a responsibility of the government of Canada.

Mr. Lawlor: No, I am saying it's the Premier's.

Hon. Mr. Davis: That is not a legal opinion.

Mr. Lewis: The government won't be able to arrange to have the company sold.

Mr. Sargent: Supplementary: In view of the embarrassment of the Premier's Tokyo junket, I would ask him if he could tell the House what research he had done by a multi-million dollar corporation like this province on the feasibility of raising funds. In his future search for investment capital is the Premier going to do some more comprehensive study than he's done at this point?

Hon. Mr. Davis: I really didn't know that that trip was referred to as the Tokyo junket. I find that very intriguing. I would also suggest that the purpose of the trip maybe didn't come through in the interpretation given by some, although it did in some reports that I read. I really must say that as I read the various reports in the press I'm not sure that those who were with us were always at the same meetings; but that is just an observation.

Mr. Warner: You didn't want them in on the meetings.

Hon. Mr. Davis: I would say we weren't there seeking funds. As a matter of fact, I think if we were there seeking funds for the government or for Hydro, the fact of the matter is the Japanese investment community would be delighted to lend funds. They have great confidence in the future of this province.

Mr. Lewis: You weren't there paying homage, not at all; you were there to give things away.

Hon. Mr. Rhodes: Souvenirs.

Hon. Mr. Davis: I didn't give a thing away. I will try to explain to the hon. member, in case he goes on any junkets to Mexico or anywhere else to sell his particular products. My advice to him is simply this: I was there to explore, along with a group of Canadian businessmen primarily from Ontario, the potential of their selling in the Japanese market. That was one of the basic purposes. And if he can consult—

Mr. S. Smith: Not nickel.

Hon. Mr. Davis: Listen, don't take it from me, speak to those who were there, they were relatively optimistic at the success they achieved and the potential that exists for them.

Mr. S. Smith: But not nickel.

Hon. Mr. Davis: With respect to the other aspect of the "junket," yes, it was to say to the Japanese business community that we thought there was potential for joint ventures, in particular the use of some of their technology in this province. I have to tell the





hon. member that some of this has already taken place. There's no export restriction. I would invite the hon. member to come with me to a particular plant in the north part of Mississauga where they are now making ball bearings for just about every nation in the world, using Canadian employees—

**Mr. Sargent:** What time can you go?

**Hon. Mr. Davis:** —constituents of the member for Mississauga North (Mr. Jones), I believe—with Japanese technology. Both firms are receiving a reasonable return on investment, which I think is an ideal example of the kind of thing that can and will be developed.

The member might sell ball bearings in Mexico.

**Mr. Sargent:** How many Hong Kong suits did you buy? The Minister of Industry and Tourism got a couple.

**Hon. Mr. Davis:** One.

### GATT NEGOTIATIONS

**Mr. S. Smith:** A question of the Treasurer: In anticipation of the GATT talks the next year, I understand the federal government has asked the provincial finance ministers to identify strong and weak sectors in their provinces, and to outline the type of help they would need in the event of reduced tariffs. Has Ontario provided the federal government with this information? If so, can we see it? If not, does the government intend to develop and make public a position on which sectors of the Ontario economy require protection and which do not?

**Hon. Mr. McKeough:** Mr. Speaker, that's a question that should be addressed to the Minister of Industry and Tourism who is our contact point on these matters.

**Mr. Laughren:** Contact point?

**Mr. S. Smith:** I'll redirect that question, thank you.

**Mr. Lewis:** To the contact point.

**Mr. S. Smith:** To the contact, if he's out of the barber's chair.

**Hon. Mr. Bennett:** The Leader of the Opposition obviously doesn't recognize that if a person's qualified and re-educates himself for a particular position, he then is willing to be accepted by our government.

**Hon. Mr. Rhodes:** Who did your hair?

**Mr. S. Smith:** You have done very well.

**Hon. Mr. Bennett:** Obviously the Leader of the Opposition hasn't qualified for that yet.

**Mr. Lewis:** You do a great job with textiles, what about tennis?

**Hon. Mr. Bennett:** In the matter of the GATT negotiations, which are the ones I believe the Leader of the Opposition is referring to—

**Mr. Lewis:** The Gatineau.

[2:45]

**Hon. Mr. Bennett:** —we've had constant meetings with our federal representatives in Ottawa in discussing various sectors of the industrial community, and what can we as Canadians rather than just Ontarians—because they are meeting with all the provinces—what can we do to strengthen certain areas of our economy and our industrial community, and where are the others that we may very well have to trade off.

**Mr. Speaker,** I do not at this time intend to get into the full description, because most of the discussions are on a confidential basis, as I believe the members will appreciate. Disclosure at this time would show our hand to the other nations at the GATT negotiating table.

**Mr. S. Smith:** By way of supplementary: An article appeared October 29 in The Financial Post, and I quote in part: "Ottawa asked provincial ministers during a recent meeting here to identify strong and weak sectors in their provinces and outline the type of help they would need. According to reports, few specifics were proffered." Could the minister simply tell us, first of all, whether he has made such a list known to Ottawa? Secondly, does the government possess an industrial strategy for Ontario comparable to the national economic development strategy the Treasurer keeps urging on Ottawa?

Do we in this province have a strategy and would the minister care to share it with the House?

**Hon. Mr. Bennett:** In relationship to the first question on the soft areas of the industrial community: yes, we have had discussions on specific sectors with Ottawa via the Minister of Industry, Trade and Commerce, through the Minister of Finance who will carry Canada's brief forward to the GATT negotiations. Those areas are still under discussion as they relate not only to Ontario, but as they relate to the province of Quebec and the other provinces in this country. Ontario is just part of the input, but I am sure the significance of the Ontario input will be taken into consideration when drawing the final position which Canada will likely take at those negotiations.

As far as the second portion of the hon. member's question is concerned, the member for London Centre (Mr. Peterson) asked a question the other night in estimates, regard-





ing the sector analysis we have been making on the various industries in Ontario. It is the background information, and the further analyses being made by the industrial communities relating to the various sectors that's being used in our presentation and our conclusions in relationship to our discussions with Ottawa on the GATT negotiations.

Mr. Cassidy: Supplementary, Mr. Speaker: What warning or advance notice does the Ontario government intend to give to those industries considered soft and which it is prepared to treat as the sacrificial victims on the altar of free trade in the GATT negotiations, so that they can begin to prepare now or the adjustment—

Hon. Mr. Rhodes: No leadership speeches, that's not fair.

Mr. Cassidy: —or for the movement into other industrial activities that is inevitably their lot under the government's policies?

Hon. Mr. Davis: Just because of speeches like that, the member will never make it.

An hon. member: I am willing to bet money.

Hon. Mr. Rhodes: He is running fourth in three-man race.

Hon. Mr. Bennett: Mr. Speaker, of course is not our policy. Very clearly, at this time we are involved in preliminary discussions in relationship to positions Canada might take. I have no understanding where we'll eventually end up in the final GATT negotiations or whether we'll be a signing partner in those negotiations. But I can say to the hon. member that the federal government and the government of this province, and the governments of the other provinces, indeed governments around the world, realize that there are to be some adjustments in tariffs relating to specific portions of industries in various countries, there will have to be a very general period of adjustment. I think the member will remember that in our estimates this morning we were talking about the period of time and that it's likely to take from the early 1980s until the early 1990s before that adjustment period comes to conclusion. Mr. Horner from the federal government, and Mr. Chretien prior to him, said that the Canadian government will in time—after complete discussion by the provinces—bring forward policies for adjustments that will be made to those sectors that could be poorly affected by some of the downward trends in tariffs in the world.

Mr. Warner: Why don't you go visit some?

Hon. B. Stephenson: Why doesn't the hon. member for Scarborough-Ellesmere resign?

Mr. S. Smith: As a final supplementary to the minister, does he share the rather sanguine point of view of the Treasurer that freer trade is inevitable, that it's just a matter of adjusting to it; and does he share my concern that Ontario does not seem to have been raising its voice in favour of protecting Ontario's labour-intensive industries against free trade? We're in the hands of rather inveterate free traders negotiating on the part of the federal government; why has Ontario not stood up for protection of Ontario's industries?

Mr. Lewis: Right, why don't you?

Hon. Mr. Bennett: Mr. Speaker, I'm sure the Leader of the Opposition has not been following the situation very closely. If I may go back to the fact that in 1974 it was this province that raised the first voice relating to the textile industries and the troubles they were in. That's a labour-intensive industry to the best of my knowledge.

Mr. Nixon: When you were importing grape juice.

Hon. Mr. Bennett: It was this province that persuaded the federal government, along with our colleagues in Manitoba and Quebec, that we should put quotas on to protect that industry. Those quotas are now in place.

Mr. S. Smith: Why change now?

Hon. Mr. Bennett: Mr. Horner and Mr. Chretien previously said that they would remain in place, that is at the 1975 level.

It could very well be that in the GATT negotiations textiles, on a world basis, will be excluded from that agreement. It has been clearly said at GATT that there would be areas of the economy or industrial sectors that will not come under it, and that each country will then be left to do its negotiating with whatever country is going to supply it on a quota basis or whatever it might be.

Mr. S. Smith: But are we pressing for that?

Hon. Mr. Bennett: We have been pressing in that field, in the leather goods field and in several others. Ontario has been bringing the federal government along in designing some policies. I make no apologies for it. There are some in the member's party who have raised the fact—

Mr. S. Smith: Did the Premier hear that?

Hon. Mr. Bennett: —that when we reduce the amount of imports what we're doing in reality is raising the retail prices, because Canadian goods are higher in price.

Mr. S. Smith: You've had something to do with it then.





Hon. Mr. Bennett: There are times when we have to suffer some of the consequences—

Mr. Nixon: Oh, the province has got something to do with it after all?

Mr. S. Smith: It is a federal matter, Bill.

Hon. Mr. Bennett: —but if we're to have employment we're likely going to have to restrict some of the cheaper, or less expensive imports into this country. Frankly, we'll continue to push to protect the labour-intensive industries.

Mr. Breithaupt: That is not the Treasurer's view.

Mr. S. Smith: This is news to you is it, Darcy?

Hon. Mr. Bennett: May I conclude with the remark that the Treasurer—if you read his remarks over the last period of time—and I have an understanding and agreement.

Mr. Lewis: He is moderating, he is changing his views.

Hon. Mr. Bennett: He's absolutely correct that in this day and age in this world there is a strong movement towards freer trade—

Mr. Foulds: He is running for leadership; he and John Rhodes.

Hon. Mr. Bennett: —and it's a matter of how quickly some people would like us to get to the free trade position.

Mr. Speaker: We don't need a speech; just answer the question.

Hon. Mr. Bennett: I am answering the question, Mr. Speaker.

Mr. Speaker: We've spent 23 minutes on the first two questions.

Mr. Lewis: He is defending the Treasurer. Have a little pity, Mr. Speaker.

Hon. Mr. Bennett: I'm not only defending the Treasurer but also defending the position of Ontario and Canada in the negotiations at GATT. We are as compassionate about the industries of this country and this province as any political group, including the member's.

Mr. Lewis: It is Darcy's shift to the people, it's just like switching to radicalism. Darcy is in his dotage; and as the twilight years advance, Darcy moves with them.

## JOB CREATION

Mr. Lewis: I have a question of the Premier, if I may. Now, almost 15 years after he was first requested, the Premier has set up a cabinet committee on the future of the mining communities in northern Ontario. Would he be prepared to ask the committee, as one of its first undertakings, to implement the recommendations of his government's Design for Development: Northeastern Ontario, which

he has allowed to lie dormant for fully five years?

Hon. Mr. Davis: Mr. Speaker, I think in fairness, and the leader of that party—always endeavours to be fair—

Mr. Lewis: To be fair? Of course, thank you.

Mr. Swart: He succeeds.

Hon. Mr. Davis: I say he endeavours to be fair; some of his listeners say he endeavours to be fair. I would say to him that we have, in fact, made some moves with respect to the Design for Development: Northeastern Ontario. I fully acknowledge it's one thing to develop a conceptual plan and to have a design, it is not as easy to bring about the completion or the practical application of that.

Mr. Conway: That's what they said in Amherstburg.

Hon. Mr. Davis: Is there some supplementary?

This government, I think, has demonstrated very conclusively, through the efforts we've been making in northeastern and in northern Ontario, that we intend to do everything we can to see to its economical and social development.

Mr. Martel: What is that?

Mr. Lewis: Tell us.

Hon. Mr. Davis: I would say we have done a lot more and we haven't been nearly as negative; we haven't thrown up nearly as many fictitious roadblocks, as some members opposite when they talk about the north.

Mr. Lewis: I have a supplementary. Does the Premier realize that his statement today was entirely bankrupt of any new initiative, save building on the pilings that are already there in Sudbury. This new building isn't a new announcement. The statement is entirely bankrupt of any new initiative, and why doesn't he implement some of the specific recommendations on secondary manufacturing and associated industries for the Sudbury basin which he's had hanging around for years?

Hon. Mr. Davis: Mr. Speaker, I don't think it's really a question of having recommendations hanging around for years. It's a question of having a fairly logical plan that needs a fair amount of understanding and a fair amount of assistance in its practical application.

Mr. Warner: You don't intend to do anything—

Mr. Martel: After 34 years.

Mr. Lewis: —while people are laid off.

Hon. Mr. Davis: Mr. Speaker, no one has talked more than I have—including the





Minister of Industry and Tourism, the Treasurer or anyone else—about the need and the desirability for secondary industry in north-eastern and northern Ontario.

Mr. Martel: Don't talk, do something about it.

Hon. Mr. Davis: Mr. Speaker, we have developed policies that make it more practical, but I cannot say to the leader of the New Democratic Party that we as a government alone can succeed in this particular operation.

Mr. Foulds: Name one.

Mr. Lewis: You can do something—anything.

Hon. Mr. Davis: If he wants to belittle—and I say this to him very genuinely—if he wants to belittle the commitment that I gave today with respect to the capital investment by this province in the future of Sudbury—

Mr. Lewis: No, I don't belittle it. That's not enough, I welcome it.

Hon. Mr. Davis: —I suggest he go to Sudbury this weekend and say, "We don't think the government should build that building." I challenge him to go up there and say that to them.

Mr. Lewis: Oh, nonsense! You have already committed yourself to do it; it's an old project.

Mr. Foulds: It is a Band-Aid, and you know it.

Interjections.

Mr. Speaker: The hon. member for Rainy River with a supplementary.

Mr. Reid: Mr. Speaker—

Hon. Mr. Davis: Let the leader of the NDP go up and tell them that.

Mr. Martel: That doesn't sell. Why doesn't the Premier come with me?

An hon. member: Sit down, Elie.

Interjections.

Mr. Speaker: Order, order. It's your question period and you are wasting it. We haven't completed three questions yet and we have used 27 minutes of question period. Now if you want to fritter away the time, let it be on your heads, not mine.

The hon. member for Rainy River.

Mr. Reid: Supplementary: The Premier's statement dealt pretty well exclusively with mining communities. Does the study, which is so late in coming, envisage dealing with one-resource-industry towns across northern Ontario as well, particularly including the communities that are based on timber extraction, pulp and paper?

Hon. Mr. Davis: As I said in my statement, the priority obviously at this moment is the Sudbury basin. Quite obviously not just this committee, but the government—and the hon. member is as aware of it, I hope, as anyone in this House—has endeavoured on an ongoing basis to stimulate growth and development of other resources in the northern part of the province of Ontario.

On occasion some members of this House have appeared to be somewhat negative and almost inhibiting of the possibility and potential of some of those developments, if memory serves me correctly. Certainly we intend to consider these other aspects of the problem, including the pulp and paper industry, without any question.

Mr. Mackenzie: When? In 1985?

Hon. Mr. Davis: You should read some of the things you have said over the years.

Mr. Martel: That's right. And if the Premier had followed them, we might be somewhere today. He has done nothing except sell out the north.

Mr. Speaker: Will the member for Sudbury East allow the member for Nickel Belt to put his question?

Mr. Martel: You might say the same thing to the Premier.

Mr. Laughren: Thank you, Mr. Speaker. Is the Premier aware that his response to the Sudbury committee will simply absorb some of the already high unemployment rate in the building trades in the Sudbury district and, further, does his announcement mean he now has accepted the inevitability of the layoff and he can do nothing to prevent it?

Hon. Mr. Davis: I thought I made it very clear in my statement that I was bringing the members as up to date as I could with respect to the discussions we had with the Sudbury committee. As I told Mr. Frith I would, I endeavoured in my statement to provide our reaction to it as soon as I could.

I must remind the hon. member, in case he didn't get the same sense in his own constituency, that one of the priorities they were looking to us for—if that is grammatically correct—was some decision on the particular building that I just mentioned. Maybe the hon. member doesn't think it's a priority—

Mr. Laughren: Of course. Don't be stupid. Don't be dense. No one is saying the building should not be built. We are asking why that is all you are doing?

Hon. Mr. Davis: I would say to the hon. member, we are dealing with those matters





that have been brought to us and we are reacting in a positive, constructive way.

Mr. Warner: Oh, yeah. You're positive!

Hon. Mr. Davis: Of course it doesn't relate as to the layoff itself. I said that in the statement. I said that half a dozen times in this House.

Mr. Warner: Answer the question.

Hon. Mr. Davis: What we are looking for and will continue to look for is a way to look after the future of the economy of that area, to demonstrate the confidence of this government in that part of the province, and we think this is a very tangible expression of that confidence. This is what the Sudbury committee brought to us; it was first on their list of priorities.

Mr. Lewis: It was not, as a matter of fact.

Hon. Mr. Davis: I am very disappointed that the hon. member doesn't recognize this initiative from his own fellow workers, because the union was there and this was what they wanted as well; and we are saying today that we are doing it.

Interjection.

Hon. Mr. Davis: When he gets this information back home, he may find that the union leadership also supports this particular initiative.

Mr. Lewis: Well, of course. Quit playing games.

Mr. Speaker: We've had sufficient supplementaries. The hon. member for Scarborough West with a new question.

Mr. Martel: Just one supplementary question.

Mr. Kerrio: No, it's not your turn.

Mr. Martel: What kind of game are you playing.

[3:00]

Mr. Lewis: A further question of the Premier, if I may: Within the last fortnight or so, have either the Premier or any of his cabinet colleagues discussed the future of Falconbridge with Falconbridge in the Sudbury basin?

Hon. Mr. Davis: Mr. Speaker, I can't speak for any of my colleagues; I have not discussed Falconbridge in the last 10 days or two weeks. I have been really very busily pursuing Inco. I haven't talked to Falconbridge.

Mr. Lewis: May I ask the Premier, phrasing it carefully, since there are a number of disquieting rumours now in the Sudbury area and elsewhere about Falconbridge's intentions in the year 1978, would it be pos-

sible for him to satisfy himself and perhaps make a statement to the House and to the community as to what Falconbridge's specific economic plans are in the immediate future?

Hon. Mr. Davis: Mr. Speaker, either I shall or the Minister of Natural Resources (Mr. F. S. Miller) will endeavour to get as much information as we can that is available to us and we are more than prepared to share it with the members of the House.

## HOME RENEWAL PROGRAM

Mr. Bolan: Mr. Speaker, my question is to the Minister of Housing. Given the fact that the Ontario Home Renewal Plan has been successful in upgrading the housing stock in communities and has created employment for small businesses who do the work in repairing those homes, does the minister feel that the ministry's decision not to give further allocation of funds under the plan during this fiscal year should be reversed, and that further allocations be given pursuant to the formula devised by his ministry?

Hon. Mr. Rhodes: Mr. Speaker, the funding that was available for that particular program as approved in the estimates has been totally disbursed to the various communities. The success of the program is quite evident, and I agree with the hon. member. There just are no more funds, and far be it from me, sir, to spend any funds from my estimates that haven't been approved by this House.

Mr. Bolan: Mr. Speaker, supplementary: In view of the fact that the amount for the Ontario Home Renewal Program voted for in estimates on June 29, 1977, was \$20 million, and in view of the fact that the amount advanced by the Housing ministry is \$16,185,921.28—and those are the minister's figures obtained from his ministry as of yesterday afternoon—doesn't he feel that he should at least allow the municipalities the full amount apportioned, pursuant to the estimate voted on, instead of short-changing them by \$4 million? If not, where is the \$4 million going?

Hon. Mr. Rhodes: Mr. Speaker, I think the hon. member should be aware of the fact that the figure he has is the amount of money that has already been disbursed to the various municipalities under the program, but that the \$4 million he is talking about is money that will have to be disbursed before the end of the fiscal year. It is probably already committed to municipalities. We have advanced that amount of money, but the balance of the money has already been





requested and will be allocated. The total \$20 million will be spent. I can assure the hon. member we could have spent a lot more of it if we had had it in our estimates.

**Mr. Makarchuk:** A supplementary to the same minister: In view of the fact that the OHRP program is one of the most useful employment projects the government has in the province of Ontario at this time—it is useful in terms of employment and it is useful in terms of assistance to small business—would the minister consider going to the Treasury Board and trying to obtain added funds to continue the employment in the winter months?

**Hon. Mr. Rhodes:** Mr. Speaker, there will be various requests made by my ministry to the Chairman of Management Board (Mr. Auld) and the members of that board. I will have to await their decision.

I just wanted to point out to the hon. member that I appreciate his and other members' comments on this program, because it has been very successful. It has done the two things that you suggested, but it has done one more. It has also upgraded the homes for people who otherwise could not have afforded it.

I would like to clarify one point to the hon. member for Nipissing. When I mentioned the expenditure of the \$20 million, \$2 million of that had been allocated under the Ontario Home Renewal Plan rental program. So it was \$18 million to the residential program—individual homes—and \$2 million allocated under the rental portion of that program.

**Mr. Duksza:** A question to the Minister of Health, Mr. Speaker.

**Hon. Mr. Norton:** Point of privilege.

**Mr. Foulds:** Make it after the question period.

**Mr. Speaker:** Point of privilege?

**Hon. Mr. Norton:** Yes, Mr. Speaker. I rise on a point of privilege relating to a story that appeared in this morning's Toronto Globe and Mail—

**An hon. member:** Get down on your knees and do it.

**Mr. Lewis:** Would you like us to set aside a special portion of every day for you to apologize?

**Mr. Speaker:** Order. I don't see any particular emergency. That can be brought up immediately after question period.

#### PSYCHIATRIC HOSPITAL CUTBACKS

**Mr. Duksza:** A question to the Minister of Health: In light of the fact that all On-

tario psychiatric hospitals are at present engaged in an exercise of cutting six per cent from their 1978-79 budgets, a cutback of millions of dollars, resulting in the further elimination of 60 positions from the Queen Street Mental Health Centre in addition to the 170 positions that have been eliminated since 1974, and the further elimination of 102 positions from the Hamilton Psychiatric Hospital in addition to the 60 layoffs which occurred in 1976, would the minister please tell the House why he is further contributing to the province's unemployment problem and reducing the level of health care in Ontario's psychiatric hospitals?

**Hon. Mr. Timbrell:** Mr. Speaker, the member, unfortunately, through whatever source, is misinformed with his figures.

**Mr. Duksza:** Supplementary: Mr. Speaker, can the minister then correct me on two counts: 1. whether my figures are incorrect; 2. whether he is proposing to introduce the cuts and reduce the staff positions in both hospitals?

**Hon. Mr. Timbrell:** Mr. Speaker, in reviewing all aspects of the operation of the ministry, I've indicated to my staff and I think I have indicated to staff of the various institutions as I've gone around the province, that the one area in particular, let's say two areas which have the highest priority for me are the psychiatric programs and ambulance services.

While, as the Treasurer (Mr. McKeough) indicated in his statement in September, there will be a reduction in the over-all size of the civil service, the government service, it will be mainly through attrition. All I can tell you is that I'm looking at every program of my ministry between now and going into the next fiscal year, but those two areas have a very high, in fact, the highest priority.

Now let me say that the director of the branch has met with the administrators of all the hospitals on a number of occasions over the past few months as we've been working towards the next budget for the ministry. There have been a number of planning exercises—sort of, if you will, "what if" exercises. Out of that may have come some of the figures which you've quoted today. They are inaccurate. They do not reflect any of my plans.

**Mr. Duksza:** Mr. Speaker, is—

**Mr. Speaker:** Final supplementary. The hon. member for—

**Mr. Lewis:** Hamilton West it is.

**Mr. Speaker:** The hon. Leader of the Opposition.





Mr. S. Smith: Supplementary: Could the minister, when he is checking these figures, check into the situation at Lakeshore Psychiatric Hospital and tell us whether it is a fact that of 12 new psychiatric nursing assistants hired in August, five were given part-time contracts till March 1978 and six are being laid off at the end of November?

Mr. Speaker: I don't think that's a supplementary to the original question.

Mr. S. Smith: I'm sorry. I thought it was a matter of similar nature and he was speaking on Lakeshore as well.

An hon. member: That's right.

Hon. Mr. Timbrell: Mr. Speaker, I'll be glad to look into that. That may well be and it depends what they were hired for, whether it was a particular program of a short duration or whatever. With respect to the first part of your question, I don't have to check into the other figures; I know that they do not, as I said, reflect my plans.

Mr. Lewis: You are going to get the rules thrown at you now, Mr. Speaker.

Hon. Mr. Norton: Mr. Speaker, under provisions of standing order number 42(b), I wish to raise a matter of privilege.

Mr. Speaker: I have already asked you to refrain from raising it until after the question period. You could have done it before the question period had you chosen to do so.

Interjection.

Mr. Speaker: You can't question it. You can challenge it if you want, but you can't debate it.

Mr. Lewis: He is what you call an erudite nasochist, Mr. Speaker.

Mr. Duksza: Mr. Speaker, I have a supplementary to the last question.

Mr. Speaker: Order. We've had enough supplementaries. We've only had five questions in 40 minutes of question period.

#### WEST END CRECHE

Mr. Gregory: Mr. Speaker, I have a question for the Minister of Community and Social Services.

Mr. Lewis: Keith, ask him if he has a point of privilege.

Mr. Gregory: I might ask the minister the same thing.

Hon. Mr. Norton: Yes, I have, and a legal opinion to back it up too.

Mr. Riddell: Get on with your question.

Mr. Swart: Is this collusion?

Mr. Gregory: In view of the announcement that was made several days ago by a

Dr. Crowcroft who is the director of the West End Creche in Mississauga that this branch would be closed due to lack of funds, and in view of the statement by him that this branch has proved successful and is servicing 24 children and that the money saved from this project will be spent in expanding the Euclid Avenue offices of that organization, I would like to ask the minister if he would consider interceding in this matter to retain this very valuable branch in Mississauga.

Hon. Mr. Norton: One way or the other I was bound to get on my feet before the end of the question period.

Mr. Conway: The question is, can you stay on your feet

Hon. Mr. Norton: According to the information I have at this time, and I can assure the member that I have been pursuing this matter, the organization in question first contacted my ministry some six months ago with a request for funds to expand its operation at the site in Mississauga. They were advised at that time that we did not have funds for expansion of their program. We heard nothing further from them until very recently when we heard the announcement that they intended to close.

I have asked my staff to contact Dr. Crowcroft, and I understand they have been in contact with him to discuss with him steps that might be taken in order to maintain the operation in Mississauga. I would also point out that there appears from some comments attributed to members of the staff to be some feeling on the part of the staff that even with present levels of funding the operation could continue in that location. I hope to have further information shortly.

Mr. Gregory: Supplementary: If all else fails, would the minister consider recommending funds be made available to continue this operation?

Hon. Mr. Norton: I am not sure that additional funds are required in this situation because the organization is at present being funded at more than one site. The indications I have, at least at this point, are that the decision to bring the Mississauga operation to an end is not entirely one based on the level of funding but rather related more to matters of the opinion of certain persons that it ought to be expanded or discontinued at that site.

If the Mississauga operation is terminated, certainly I would see what could be done in order perhaps to reallocate existing funds in order to maintain that operation.





McClellan: Supplementary: May I ask whether he would review the total cost of the agency? If there are needs to be met in other locations—and I am particularly to the office on Euclid—apparently to be in the great riding of Mississauga—would he take into account the needs of the operation and not solely the needs of the Mississauga facility?

Mr. Norton: I think it is almost self-evident that to assess the situation at Mississauga since it is a related operation, would be to look at the total operation.

Lewis: If you kept the creche open, might not have to impose a curfew.

### HYDRO CONTRACTS

J. A. Taylor: In response to the question of the Opposition on Thursday, October 1, and again in answer to the member for Etobicoke East (Ms. Gigantes) on Monday, October 31, I said I would determine whether a contract between Ontario Hydro and Minerals Limited received approval in council. I also said I would table the matter of tabling that contract in due course.

McClellan: If there was a contract.

J. A. Taylor: That contract did not receive approval by order in council. However, I am pleased to table a copy of that contract in its entirety.

Lewis: I have a supplementary on that, Mr. Speaker, if I may. Does the minister not table the last paragraph of Mr. Taylor's statement to him regarding the disclosure of this contract to be offensive and not in the public interest? Has he indicated to him that the minister objects to that kind of gratuitous comment on what should and should not be made a matter of public knowledge?

J. A. Taylor: I received that letter and I haven't replied as yet to that.

Lewis: Yes, well, I hope the minister will table the reply.

S. Smith: I understood the minister to say that this contract did not have the approval of the Lieutenant Governor in Council. Can he explain therefore why the related contract between Denison and Hydro is before cabinet for approval.

hon. member: Is it?

S. Smith: If the present one needs approval, why didn't this one require approval?

Hon. J. A. Taylor: I didn't remember saying that the present contracts were before cabinet for approval. The contract has not been finally negotiated. But if you are asking me whether I anticipate it will go to cabinet, the answer to that would be yes.

Mr. S. Smith: Why wasn't this one?

An hon. member: That was the question.

Hon. J. A. Taylor: Mr. Speaker, does the Leader of the Opposition have another question?

Mr. S. Smith: The question is: If you anticipate the present one will require cabinet approval, why didn't this document have cabinet approval?

Hon. J. A. Taylor: My understanding, Mr. Speaker, is that Ontario Hydro has its own opinion that the order in council authorizing the construction of certain works and providing for the maintenance of those, plus the provisions of the Power Commission Act, gave it authority to execute that contract.

Mr. Conway: Is Hydro running the government?

Mr. S. Smith: I am sorry, Mr. Speaker, it follows directly with your indulgence—

Mr. Foulds: That's five supplementaries.

Mr. S. Smith: Do you feel we shouldn't ask this one? You really think we shouldn't?

Mr. Foulds: You had 23 minutes at the beginning.

Mr. Nixon: We just presented it.

Mr. Speaker: Order. If you have a very brief supplementary.

Mr. S. Smith: It's a very brief one. If in fact Hydro is of the opinion that this contract which you have given us did not require cabinet approval, has Hydro changed its opinion with regard to the one that is at present before cabinet or does cabinet simply recognize that it should have exercised its right to approve on the previous contract but failed to do so?

Interjection.

Mr. Lewis: They are an arrogant bunch, these people.

Mr. Speaker: Order, please. Ignore the interjections. You are wasting time.

Hon. J. A. Taylor: May I say, Mr. Speaker, it is my determination that the current contract that has not been finalized yet go to cabinet.

### RCMP TORONTO STAFF

Hon. Mr. MacBeth: Thank you, Mr. Speaker. On Monday the member for Scar-





borough West asked me to confirm if the Royal Canadian Mounted Police has increased its complement in Ontario recently and to inform the House what duties the additional officers are performing.

I have been advised that there are now 609 RCMP officers located in Toronto—I think his question was Ontario; I have these figures for "located in Toronto"—plus a support staff of 117. This brings the total to 726 people. In 1972, there were 426 RCMP officers plus a support staff of 71, for a total of 497. That is an increase of 229 since 1972.

These additional officers are required because of an increase in drug activities, commercial crime, customs and excise, immigration and passport abuses, and organized crime.

The member for Kitchener asked me to outline the changes in the force which have resulted from differing responsibilities in matters of immigration and drug control. As I have indicated, there has been an increase in the number of illegal immigrants entering Canada and in cases of misuse of passport and other documents. The RCMP, in its role as the enforcement arm of the Department of Immigration, has therefore assigned more officers to this area.

Of course, the need for drug enforcement has increased dramatically since the 1960s. In an effort to suppress the amount of drugs available in Canada, the major thrust of the RCMP is against those who import large quantities of drugs on a continuing basis.

Mr. Breithaupt: Supplementary, Mr. Speaker: Is the Solicitor General able to inform us as to which of those particular areas—drugs, immigration, as well as the matters of commercial crime and customs—have had the increases or were those figures breaking down the total increase not otherwise available?

Hon. Mr. MacBeth: I don't have the breakdown of where they allocated them. I imagine it varies from time to time and probably there is some overlapping in the duties of the various officers.

Mr. Speaker, I gave only one answer, but I'll be pleased to hold the answer to the other question until tomorrow.

#### ASSESSMENT DATA

Mr. Epp: I have a question of the Minister of Revenue. In view of the fact that her ministry has computerized data which gives a block-by-block impact of market value assessment on municipalities in Ontario, I wonder whether the minister could tell the House how long this data has been available to her

ministry? If it was available prior to the Blair commission doing its studies across the province, why wasn't this information made available to the municipalities so that they could have made more intelligent and more rational replies to the commission when it toured Ontario?

Hon. Mrs. Scrivener: Assessment information is listed on our computing services. As to its availability in the matter in which the member questioned, we have from time to time made some of this information available. It is available through the assessment divisions to all municipalities for their general use. I'm not at all clear from his question how he would have this applied in this present situation.

Mr. Epp: Supplementary: I may just preface it to say that there are municipalities that have the information.

Mr. Speaker: Don't preface it at all. Ask your question please.

Mr. Epp: In light of the fact that one municipality was told that it had to come down to Toronto or had to come into the ministry to copy it, without the ministry making it available or sending it out to them, would the ministry consent to send out this information to all the municipalities in Ontario so that some of them from far-reaching areas in Ontario wouldn't have to come to Toronto to copy it out at the ministry and thereby treat all the municipalities equally in the province?

Mr. Speaker: The question has been asked.

Mr. Conway: Centralized autocracy.

Hon. Mrs. Scrivener: I am not aware of the individual negotiations between municipalities and members of my staff.

Mr. Warner: Why not?

Hon. Mrs. Scrivener: But I know we have made particular assessment information available to regions and to particular groups, such as boards of education which have applied.

Mr. Wildman: You aren't aware of your ministry.

Hon. Mrs. Scrivener: I am not aware that they had to come to Toronto to do some kind of a hand-copying process. I'll look into it for the member.

#### ARSENIC CONTAMINATION

Mr. Mackenzie: I have a question of the Minister of Labour. In view of the urgency of the health problems of workers at the greater Red Lake area, the evidence of increased lung cancer as a result of arsenic exposure, will the minister tell this House why she has taken so long to respond to requests by the United Steelworkers Union for a meeting to discuss





a matter of such importance? Further, would the minister indicate whether she would include the Minister of Health (Mr. Timbrell) in such a meeting due to the evidence of widespread arsenic contamination in the community?

Hon. B. Stephenson: Since receiving the request from Mr. Stewart Cooke, we have been collating all of the information available through several ministries on investigation and testing which has been done in that area. We have also examined the available mortality statistics to determine whether the numbers which were suggested as large numbers of arsenic-related malignancy deaths were in fact valid. From my early perusal of this, I find there is very little to relate the existence of arsenic to the kinds of deaths which these individuals suffered.

However, I would be pleased to tell you, Mr. Speaker, and the members of the House that I think the meeting with Mr. Cooke has been arranged for the beginning of next week. I would hope that by that time we shall have all the information for them so that we can discuss it freely with them.

Mr. Laughren: Supplementary: In view of the fact that the problem appears to be a serious one and that there is substantial evidence that contamination is widespread throughout the community—and it's very difficult to separate the work place from the community in this case because of the size of the community and how close the industrial operation is—would the minister conduct an environmental assessment study which would include human beings as well as vegetation, soil and the work place, and include the Ministry of Health in any such study?

Hon. B. Stephenson: Mr. Speaker, I have certainly not in any way attempted to separate the invasion of the work place with arsenic or the invasion of the environment, and indeed it's my understanding that representation from the Ministry of the Environment will be present at the time that we have the meeting with Mr. Cooke. The members of the occupational health branch will also be there, because they, in fact, do all of the testing and consulting for both the Ministry of the Environment, as well as for the Ministry of Labour; therefore their presence is automatic.

#### BENDIX LAYOFF

Mr. Eaton: Mr. Speaker, a question of the Minister of Labour: Could the minister inform us, in view of the concerns of the workers in Bendix London, whether she has been notified of any layoffs, the duration of them, and if there are indications of any further layoffs there?

Hon. B. Stephenson: Mr. Speaker, the information which we have received from that company in London states that they did lay off approximately 87 of their slightly-more-than 410 workers on October 11, that a further 40, I think, were laid off on Monday or Tuesday of this week, and that the extent of the layoff is specifically for three months. There are no further layoffs contemplated.

Mr. Swart: They are in good shape, aren't they?

Mr. Lewis: It never ends.

#### CHLOROFORM IN DRINKING WATER

Mr. Gaunt: Mr. Speaker, I have a question of the Minister of the Environment: Since the minister indicated in today's Globe and Mail that the presence of chloroform in drinking water in Ontario is a problem, how widespread and/or serious is the problem, and is the situation a present or potential human health hazard?

Hon. Mr. Bernier: Drinking too much water, Murray.

Hon. Mr. Kerr: Mr. Speaker, the report in that article refers to a number of municipalities where there are high readings of chloroform. Chlorination is still the best possible treatment we know of today for drinking water. However, at the present time, or very shortly, we will undergo experiments at the Belleville plant using the ozone method—a combination of ozone and chlorination.

As far as the future is concerned, as I say, we will continue our research. There are particular problems in some of the municipalities that were named in the article. Belleville is one of them and therefore it is logical that our research will start there and continue eventually into other types of treatment plants in the province.

Mr. Makarchuk: Supplementary, Mr. Speaker: In view of the fact that the toxic chemicals are a result of organic material being deposited upstream by various residential areas or urban areas, is the minister prepared to improve those treatment centres upstream to ensure that organic material is not dumped into the rivers?

Hon. Mr. Kerr: Yes, Mr. Speaker. That's part of our overall program as far as municipal effluent or industrial effluent is concerned—to make sure that as little as possible of that goes into the streams which are a source of drinking water or drinking water supply.

Mr. Gaunt: Supplementary: Could the minister answer as to whether or not the current situation is a present or potential health hazard?





Hon. Mr. Kerr: It's not a health hazard, as the article says, Mr. Speaker. Our director of laboratory research has indicated that it is not now a health hazard. We will continue research into improving our method of treatment. I suppose it could be, if we ignored it.

Mr. O'Neil: Supplementary.

Mr. Foulds: New question.

Mr. Speaker: Final supplementary, the hon. member for Quinte:

Mr. Foulds: Why four on that and only one on the previous question?

Mr. O'Neil: First of all, Mr. Speaker, I would like to thank the minister for having met with both myself and—

Mr. Speaker: We have 30 seconds.

Mr. O'Neil: —the members of the Belleville Public Utilities. Could he tell me when this pilot project is to begin in the city of Belleville?

Hon. Mr. Kerr: It will be pretty well up to the city of Belleville. We have advised the city of funding that we're prepared to give them.

Mr. Speaker: The time for oral questions has expired.

Mr. Duksza: Mr. Speaker, I am dissatisfied with the answer that the Minister of Health has given to my question. I request permission to debate this at 10:30 tonight.

Mr. Speaker: You may do so under standing order 28.

3:30]

#### ALLEGED MISAPPROPRIATION OF FUNDS

Hon. Mr. Norton: On a point of privilege, Mr. Speaker, there is a report in this morning's Globe and Mail, attributing to the hon. member for Bellwoods—

Mr. Reid: Have you read the article this time?

Hon. Mr. Norton: —with support from the hon. member for St. George of allegations that the Ministry of Community and Social Services has been misappropriating federal funds.

This is of particular concern because section 90 and section 292 of the Criminal Code of Canada create—

Mr. Germa: Shame.

Mr. Swart: There is some truth in it.

Hon. Mr. Norton: —the offence of the misappropriation of money.

Mr. Breaugh: Guilty or not guilty?

Mr. Foulds: Just plead no contest.

Hon. Mr. Norton: Although I understand, if this is correct the original allegation was made in a committee of this Legislature, I'm sure it was never the intention of the privileges of this House—

Mr. Swart: Ask the member for High Park-Swansea (Mr. Ziemba) how he liked it?

Hon. Mr. Norton: —to protect a member so that he or she might allege that a criminal offence had been committed either by another member of this House or by public servants of this province.

I explained to the hon. members at the time that this matter arose that there might well have been some disagreement about interpretation or priorities. There may have been some misunderstanding on the parts of the members opposite of the commitments that this government has to the mentally retarded in this province. But there is absolutely no grounds for making an allegation of the commission of a criminal offence.

Mr. Foulds: There is no commitment at all.

Hon. Mr. Norton: Mr. Speaker, I would ask that you take this under consideration. I feel that I and the members of the ministry are entitled either to a retraction or an apology.

Mr. Peterson: Sue.

Mrs. Campbell: Mr. Speaker, I was asked if I supported the principle of the statements referring to the funding. I deliberately stated that I did not support the language that had been used but I did support the philosophy that the money should have been used for community development and not for the institutions.

Hon. B. Stephenson: Why?

Mrs. Campbell: To that extent, I certainly supported what was said, but not the language. Thank you.

Mr. Lewis: That's what we were told at the time. That's what they promised at the time.

Mr. McClellan: Mr. Speaker, may I point out that the standing order 42(b) says that whenever a matter of privilege arises it shall be taken into consideration immediately. I point out to you that we had an extensive debate on this issue yesterday afternoon in estimates and no suggestion of privilege was raised at that time. I will say that I had no intention of imputing criminal behaviour to this most delicate flower of a minister.

Mr. Foulds: You should have.

Hon. Mr. Rhodes: You phoney.

Mr. Martel: Don't be so sanctimonious.





## LEGISLATURE OF ONTARIO

McClellan: I invite you, Mr. Speaker, to the record of the standing estimates committee of yesterday before you make your report and your ruling shall prevail.

Speaker: Order. I want to remind the members, including the hon. minister, of the point of privilege, that it's incumbent upon the Chair to take any action at all. The purpose of rising for a point of privilege is to alert the House to the fact that a member feels or finds it necessary to do so. There are provisions in standing orders if the member who feels offended wishes to pursue it further. It's not the responsibility of the Chair to do anything other than to listen to the point of privilege. Stong: What is the minister going to

Mr. Norton: It's not only me, but others who haven't a chance to speak in the House have been included in this allegation.

B. Stephenson: It's absolutely ter-

Legislature regarding the legislative library, and that while it recognizes the restraint program in effect at this time, it is the unanimous recommendation of the committee that Mr. Speaker should proceed forthwith to appoint an administrative librarian to the legislative library in accordance with the recommendations of the select committee on the fourth and fifth reports of the Ontario Commission on the Legislature as the initial step in phasing in the recommendations.

### MOTION

#### BUSINESS OF THE HOUSE

Hon. Mr. Welch moved that notwithstanding the previous order, this House will sit on Wednesday next the usual afternoon hours of 2 p.m. to 6 p.m., and on Thursday, November 10; will meet at 10 a.m. and adjourn at 2 p.m., when it will stand adjourned until Monday, November 14.

Motion agreed to.

### REPORTS

#### STANDING GENERAL GOVERNMENT COMMITTEE

Report from the standing general government committee reported the following:

Resolved: That supply in the following amounts be granted to defray the expenses of the Department of Treasury, Economics and Intergovernmental Affairs be granted to Her Majesty for the fiscal year ending March 31,

Department of Treasury, Economics and Intergovernmental Affairs	
Administration program	\$ 4,303,000
Policy program	373,940,000
Intergovernmental affairs program	4,778,000
Intergovernmental affairs program	1,141,000
Intergovernmental affairs program	34,390,000
Statistical services program	1,812,000

#### STANDING MEMBERS' SERVICES COMMITTEE

Report from the standing members' services committee presented the committee's report which was read as follows and

committee recommends that it agree to the recommendations of the committee on the fourth and fifth reports of the Ontario Commission on the

### INTRODUCTION OF BILLS

#### ASSESSMENT AMENDMENT ACT

Hon. Mrs. Scrivener moved first reading of Bill 91, An Act to amend the Assessment Act.

Motion agreed to.

Hon. Mrs. Scrivener: The purpose of this bill is to defer for one year the change of assessed values as at present contained in the assessment rolls of the municipalities. This will accommodate the study of the recommendations of the Blair commission with respect to municipal tax reform. It will also allow time to review completely the impact of the commission's recommendations on the tax base of each municipality and to monitor the effect of market value assessment and tax reforms on each class of property owner.

I am sure the hon. members are well aware of the far-reaching implications of the reform proposed by Mr. Blair. It is necessary, therefore, to review carefully all the submissions made to the commission and those made directly to myself or the Treasurer (Mr. McKeough) in order to ensure that the new tax measures are fair, equitable and do not impose a hardship on any particular group or property owner.

#### HIGHWAY TRAFFIC AMENDMENT ACT

Mr. Nixon moved first reading of Bill 92, An Act to amend the Highway Traffic Act.

Motion agreed to.





**Mr. Nixon:** Mr. Speaker, the purpose of the bill is to make it a requirement that a motor vehicle registered in Ontario be insured under a motor vehicle liability policy. The bill requires that every owner provide proof of insurance protection at the time a motor vehicle permit is issued or validated.

### EMPLOYMENT STANDARDS AMENDMENT ACT

**Mr. O'Neil** moved first reading of Bill 93, An Act to amend the Employment Standards Act, 1974.

Motion agreed to.

**Mr. O'Neil:** Mr. Speaker, the purpose of this bill is to increase the time for notice to be terminated where the employer plans to terminate the employment of 50 or more employees within a short period of time.

The bill also requires the employer, when requested, to confer with the minister and any trade unions that represent the employees to discuss alternative methods of reducing the number of terminations.

### ANSWER TO WRITTEN QUESTION

**Hon. Mr. Welch:** Before the orders of the day, I wish to table the answer to question 29 standing on the notice paper. (See appendix, page 1482.)

### ORDERS OF THE DAY

#### PRIVATE MEMBERS' BUSINESS

#### REVIEW OF BOARDS AND COMMISSIONS

**Mr. S. Smith:** Mr. Speaker: I am delighted that the luck of the draw, so to speak, has entitled me to present before this House a resolution dealing with—

**Mr. Speaker:** Order. Will you move the resolution standing in your name, please?

**Mr. S. Smith** moved private member's motion No. 7:

Resolution: That, in addition to the authority granted to the standing procedural affairs committee for this parliament by resolution of the assembly dated June 28, 1977, the committee have authority to review the operation of any board, agency or commission to which the government of Ontario appoints all or some of the members with a view to eliminating redundancy and overlapping. And that the committee may recommend upon completion of a review that a board, agency or commission be terminated where, (a) the costs of operating the board, agency or commission no longer justify the service being provided to the public; (b) the amalgamation of the board, agency or commission with one or more exist-

ing boards, agencies or commissions would increase administrative effectiveness; (c) the work of the board, agency or commission could be better performed by another government organization; (d) the board, agency or commission no longer serves the public interest. And that the committee shall establish a review schedule whereby the operations of every board, agency or commission would be examined at least once in the next four years. But that the fact that a board, agency or commission is scheduled for review shall not prevent the committee from reviewing it at any time and the committee considers appropriate. And that the committee shall be empowered to send for persons, papers and things pursuant to section 35 of the Legislative Assembly Act.

**Mr. S. Smith:** Thank you, Mr. Speaker, for correcting the procedure. As I say, I am pleased to have the opportunity to present before this House a resolution which in my opinion will at least begin the long process of trimming the excessive amount of government procedure and regulation which we as Ontarians and, frankly, as Canadians—or anybody in the western world, for that matter—have been subjected to over the years.

My remarks this afternoon will be relatively brief. I believe the motion we are now debating is clear in purpose and self-explanatory in terms of implementation.

I recognize that the idea embodied in the motion is not a new one, but it is definitely one whose time has come. Let me assure hon. members that I am more than willing to consider additions to this resolution as long as we end up with an effective mechanism which not only can monitor all boards, agencies and commissions but can also recommend to the Legislature the abolition of those that are no longer serving a useful purpose.

[3:45]

I believe that members might find it helpful if I provided some background to the concept of a "sunset" law. Essentially, it comes from recent American experience. The purpose of a sunset law is to establish a mechanism whereby government agencies and/or programs come under periodic review.

The statute establishing a particular agency or program usually includes a clause which automatically terminates the agency after a set period of time unless through a specific review process the agency or program continues to be justified. In effect, this type of law forces the burden of proof for the continuation of an agency or program onto the supporters of that particular program.

Such legislation was first enacted in the state of Colorado in 1976 and has since been at least considered by every state in the





United States and has been enacted in some 24 states.

In Colorado the legislation is being applied to all of the state's regulatory bodies and agencies—43 in total. Ontario, on the other hand, has some 350 boards, agencies and commissions to which this provincial government appoints all or some of the members. Of that total, about 300 receive funds either directly or indirectly from the consolidated revenue fund. Nineteen of these bodies have audited financial statements appearing in volume 2 of the public accounts. Many others can be found in the spending estimates for a particular ministry, but generally with only a dollar amount attached to them.

Obtaining a breakdown of a grant for any agency is not an easy task. Still other bodies do not appear either in the spending estimates or the public accounts. Their expenses are usually part of an administrative cost of a branch of a ministry.

Let me cite as an example, the artificial insemination of livestock advisory committee. It was set up by the Artificial Insemination of Livestock Act, RSO 1970, chapter 30, section 3. The Act states that the members of the committee "shall receive such allowances and expenses as the Lieutenant Governor in Council determines." Payments are based on certain guidelines set up by Management Board of Cabinet. This committee generally meets about twice a year with remuneration of \$95 per day for its chairman, and \$75 per day for its members. But such payments are part of the administrative budget of the livestock branch of the Ministry of Agriculture and Food and therefore quite invisible.

I do not cite this advisory committee as one which should necessarily be terminated, but rather to illustrate how one particular government body was set up and where its budget is found. I do not have a predetermined list of those bodies which should be scrapped. My purpose in bringing forward this resolution is to underline the fact that we have no effective mechanism either to determine what the various boards, agencies or commissions are doing or to decide which ones, if any, should be eliminated.

In this context, however, it is interesting to note that the Provincial Auditor for the past three years has reported on three agencies which are inactive. These agencies are the Ontario Deposit Insurance Corporation, the Sheridan Park Corporation and the Ontario Telephone Development Corporation. They are still inactive and will, in all likelihood, be appearing once again in this year's report. These are agencies which have simply not met and as they have not submitted

financial statements the Auditor has had to name them in his report.

His responsibility ends there. What about those bodies that are still active? How are they to be properly reviewed?

In Ontario we have three specific budgetary or financial review procedures: The spending estimates debates; the Provincial Auditor's annual report; and the work of the public accounts committee. Even with these formal and detailed mechanisms it has been increasingly clear to many of us that little or no time was being allotted to a meaningful review of the role and purpose of the various government boards, agencies, and commissions.

At the present time only the minister responsible or the Premier may recommend abolishing any board, agency or commission, and this is seldom done. One of the primary reasons is, I suspect, that cabinet ministers simply do not have the time constantly to oversee operations of all of the bodies in their respective ministries.

It seems to me that while the regular estimates debate procedure does provide the means for a detailed review of government programs, something else is needed for the boards, agencies and commissions. I have, therefore, tried to adapt our existing procedures in the Ontario Legislature to include a more thorough and specific review of those bodies.

Shortly before the last election, the Legislature established new terms of reference for a procedural affairs committee. The role of this committee is to "review and report to the House its observations and opinions on the operation of the standing and provisional orders of the House, and such additional matters as may be referred to it by the House or by Mr. Speaker from time to time. And that the committee also have power to review the operation of particular boards, agencies and commissions for which annual reports have been tabled in the House and referred to it, and the committee may review the operation of these bodies as it selects, with a view to reducing possible redundancy and overlapping."

I am proposing that we go one step further and insist that the committee examine every board, agency and commission and recommend to this Legislature the termination of those boards, agencies and commissions which it believes, after careful review, no longer serve the public and have outlived their usefulness.

I believe that my motion today will make the committee's function much more clear cut and specific. Its primary job will be to





review the various boards, agencies and commissions and provide specific recommendations to the Legislature regarding their future existence.

In my view, one of the committee's first tasks would be to establish the exact number of boards, agencies and commissions that it should review. One list which can be used as a guide is that prepared by the Premier's office, entitled Boards, Agencies and Commissions, listing those to which the provincial government appoints all or some of the members. I present for the consideration of members a copy of that list. It is very extensive indeed.

Other lists also exist. In fact, I have a list prepared from the Premier's list, I believe, by the hon. member for London South (Mr. Walker) who was kind enough to send me a categorization, for which I thank him. And there are a number of other lists in existence.

Surely, we must determine how many boards, agencies and commissions actually exist.

I have set out in my motion a time-frame of four years in which the committee should review all these bodies. I selected that period as it corresponds to a normal legislative period. If the committee believes that it would need more time, particularly for the first comprehensive review, I am sure that the Legislature would follow its recommendation to amend the terms of reference in this regard.

I may say, parenthetically, Mr. Speaker, that in Colorado it was found to be a rather lengthy and time-consuming process to do a proper review, and it is entirely possible that with the large burden that the committee may find itself faced with, as it begins this historic review, it may want to come back to the Legislature and ask for some change in the terms of reference. I am sure that that would be a simple enough matter which could easily be accommodated at that time.

I do believe, personally, that four years is a realistic period. I would also think that if the procedural affairs committee wanted to have another of the standing committees look at a particular agency it could also make a recommendation to that effect. In other words, the committee might find itself burdened with a great deal of work and may decide to take a dozen agencies that, perhaps, properly fall within the realm of one of the other standing committees of the House, and request that the House might specifically ask one of the other standing committees to examine the agencies in question.

In addition, the committee might decide to restrict its review only to regulatory bodies. And the definition of regulatory—should it decide that—would, of course, be something that the committee would have to decide in consultation with the best counsel available, and that, I think, is something which I am sure the committee could do.

There may be some who feel that my motion does not go far enough. Certainly it would be preferable if the government were to introduce legislation with termination dates set out for the various agencies and programs they establish unless they are re-mandated. I think, in fairness, the sunset concept has generally speaking been that. In the state of Colorado, for instance, if an agency is not able to prove a need for it to be re-mandated it is automatically terminated. In this way the onus of proof of the need for continued existence is placed on the agency.

Frankly, I would prefer that. The difficulty is that in private members' debating time and under the business of private members, we are advised by legislative counsel it is not possible to include an automatic termination of this kind. It is possible to have an automatic review and a recommendation for termination, but it is not possible to have an automatic termination. That requires a government bill brought forward by the Lieutenant Governor in Council.

The problem is that if we simply wait for the government to proceed in that manner, there is really no reason to believe that it would do so.

Although it would be preferable to have that type of sunset provision, the resolution I am presenting is at least within the terms of reference permitted. Some may think that the government cannot be trusted to bring in such legislation, and that it will merely use as an excuse the existence of this resolution that I am presenting regarding the procedural affairs committee. In other words, the government may say because of my resolution there is no need for another sunset resolution which actually puts automatic termination on agencies. This, if the House passes it, would have the procedural affairs committee undertaking the various examinations and recommendations that I have recommended.

Under those circumstances, there are some who feel the government would use that as an excuse to get out of this responsibility—to actually go in to the sunset provisions of the kind that the state of Colorado has at the moment.





I don't believe that the government cannot be trusted. I trust that the government will not use this as such an excuse. What I would urge all members to consider today is that we have here a means of taking a major step forward in the area of controlling government spending and government involvement in our lives. I would hope that we do not reject this opportunity to take positive action simply because this motion does not cover all government spending.

I think it would be a very healthy thing for the standing procedural affairs committee to look at each existing board, agency or commission, recognizing that there will be a schedule of looking at them and that they would have the power to recommend mergers or abolition or changes as they deem suitable.

By taking this step today I believe we can create a ripple effect on all government programs. The committee, as you know, already has the power to look at these matters but they have not done so. And it has not been obligatory for them to do so.

The application of the sunset process in the state of Colorado has had an encouraging side effect. The behaviour of all state agencies has improved in that they have added more lay people to their boards, and the promulgation of their rules and jurisdictional responsibilities has been clarified in preparation for their own sunset review. In other words, they have cleaned up their act so to speak in anticipation of how they could be changed to better serve the public.

The sunset review process will open up the policy options available to the government. A large portion of our budget is predetermined. We all want new programs or agencies but we do not want to raise more tax dollars to finance them.

The only alternative therefore is to eliminate outmoded programs or agencies of the government and replace them with others more appropriate to today's problems.

It is my opinion that this concept of controlling government spending will filter through to all spending programs. The application of this resolution to the province's boards, agencies and commissions is based on the notion that we have to start somewhere. And I hope it will signal a new approach to limiting government spending on all accounts.

Therefore, I take pleasure in presenting for the consideration of this House the resolution standing in my name.

[4:00]

Mr. Walker: Mr. Speaker, it's a pleasure to rise today. There's so much debate going on with respect to the sunset law and it's a pleasure to see that. I feel the Leader of the Opposition introduced a very well-meaning resolution which is heading in the right direction, because it cannot be emphasized too much, how important the review process is to good government.

The review process is vitally important, particularly as it relates to regulations and regulatory government within the province. Indeed, at all levels of government, the bureaucracy, the regulation, the red tape and the plain-and-simple heavy hand of government far too often felt, seems all-pervasive to every individual in the province. Well-meaning regulations have a habit of continuing ad infinitum, forever interfering with our way of life. There appears to be no proper government mechanism in any level of government in Canada to remove regulations which have reached the point of redundancy.

Let me divert for a moment and offer these classic examples to illustrate my point. I'm told in 1960, the Boer War Commission operated in Ottawa. At that particular moment in time, there were more members of the Boer War Commission than veterans of the Boer War.

Mr. Peterson: Jimmy Auld fought in that, didn't he?

Mr. Walker: Another example—and this time it's of a regulation which might have been rescinded in England to save taxpayer money. Just after the first war, the Royal Horse Artillery completely converted to vehicular means of transporting their artillery. All their horses were retired to pasture, or wherever they go and years later when the Royal Horse Artillery was on parade—it was still called the Royal Horse Artillery—some citizen had the audacity to ask the commanding officer, what that one soldier did, standing over there by himself with his hands clasped in front of him, appearing to have no purpose at all. The commanding officer retorted, "Madam, it's that soldier's function to hold the horses." Someone had forgotten to rescind the regulation some 20 years later.

As I indicated, the Leader of the Opposition is indeed on the right track when he attempts to encourage review, and I commend him for that. Regrettably, I feel his resolution falls far short of what is necessary here today.

Mr. Reed: Here is the but.

Mr. Kerrio: But.





Mr. Walker: It lacks the essential ingredient of the sunset law—the automatic death rate, the date on which the legislation or the agency automatically terminates. Indeed the very word “sunset” means the sun shall set. And for our own examples we might apply to the Ontario Highway Transport Board to suggest if it had an opportunity to set in the sun, perhaps it would be December 31 of 1978 or even sooner.

Mr. Wildman: He is talking about twilight.

Mr. Kerrio: Put Gray Coach out of business.

Mr. Walker: The resolution goes so far as to create review which is, of course, important in sunset legislation. But in fact it offers no sunset date whatsoever and is therefore not a sunset bill or a sunset resolution. But it has to be sunset in order to work.

Indeed, if the member had brought simply the endorsement of sunset before the House today I would have been the first to support it wholeheartedly.

Mr. Reed: Why don't you amend it? Let's have an amendment.

Mr. Walker: Because as you know Mr. Speaker, I have on the order paper at this particular time, a resolution to that effect.

Mr. Kerrio: Put an amendment in it.

Mr. Walker: I might ask why half a loaf of bread might be better than no loaf at all. I have to say to you in this case, half a loaf is worse than no loaf at all.

Mr. Peterson: Walker, you are half-baked.

Mr. Walker: In this particular case it would become far too easy a hitching post for bureaucratic people to say now that we have review, we really do not have to have sunset; that is the self-destruct machinery.

Mr. Wildman: Use a hitching post.

Mr. Walker: That would destroy the real value of the review. As the resolution was originally framed it would require a review of 347 agencies, boards and commissions by the procedural affairs committee spanning a period of some four years. To review 347 in four years would be about as easy as boarding a 747 in full flight. Review would become a mockery buried beneath tons of paper and consumed by the inertia of government itself.

Mr. Peterson: That's catchy.

Hon. J. A. Taylor: Good, eh?

Mr. Wildman: You have an inert government.

Mr. Walker: If we take a look at the state of Colorado to which the Leader of the Opposition referred, their experience in 1977

was the legislative committee could do a proper job to only about 13 of their boards and agencies. The benefit of the sunset law is that it already solves some of the inherent problems created by a simple review mechanism. Firstly, it terminates automatically unless the review committee and the Legislature should choose to do otherwise. Secondly, it turns the inertia of government bureaucracy against itself, such that if the bureaucracy cannot justify its continuance—

Mr. Reed: That would be worth while.

Mr. Walker: —it would bring about new legislation by the government; the onus of proof being on the bureaucracy itself, then it automatically terminates.

Normally bureaucratic inertia works the other way around and because time is, for it, simply dragging its heels, it becomes forgotten and overlooked. With sunset the burden of proof shifts to the accused. The agency is presumed to be guilty unless proven innocent and reprieved. Under simple review, the bureaucracy game is to hide as much as possible, as the onus is on the government in that case to make a case for eliminating the agency or program. Under sunset, the onus is on the bureaucracy to prove its case.

The sunset law has a built-in self-destruct mechanism that the inertia of government cannot consume and it therefore has to be reckoned with or else it has a date with the executioner. This triggering mechanism is truly the essence of proper review. This approach is vitally important, because a review without a built-in self-destruct mechanism is not a great deal better—

Mr. Reed: Why don't you have it?

Mr. Walker: —than our present system, made so perfect today by the sheer weight of bureaucracy itself. Too often the Legislature concerns itself with the rhetoric of legislation, leaving the hard work of oversight and overview to be carried out in a hit or miss fashion, rather than with the steady diligence which should be our fundamental responsibility.

Sunset does not allow us to avoid or sidestep difficult decisions we may have preferred to avoid in the past. Each of us would have to bite the bullet even with our favourite programs, and, hopefully, if it's extended into government programs and boards as well.

In Alabama, the state attempted a half-baked approach to a review mechanism. That was really not a proper sunset law, and today it is as if they had no law at all with respect to review. The reason is the lack of this fail-safe, self-destruct mechanism.





The last time we had that kind of mass firing was in 1934 when the Liberals came in and cleaned out all of the Tories who had been appointed by the Ferguson and Henry administrations.

Mr. Peterson: We're going to do it again.

Mr. Foulds: You are?

Mr. MacDonald: When George Drew came in in 1943 no such mass slaughter took place.

Mr. Peterson: That's because they didn't deserve it.

Mr. MacDonald: It didn't partly, I suggest, because there was a shortage of manpower available to fill posts at that time.

Mr. Wildman: They were all over fighting the war.

Mr. MacDonald: Secondly, it may be that there was a growing recognition of the validity of a professional civil service rather than a partisan civil service. But I suspect the most critical reason of all was that it was a minority government and, being a minority government, one doesn't throw one's weight around in that sort of a fashion.

[4:15]

In other words, we have moved from the old partisan civil service to a professional civil service or at least in that direction. But the point I want to make and draw to the attention of the House is that the government has moved to the establishment of a new patronage system. There are in government agencies, boards, and commissions, I am told—I haven't had the time and I don't know anybody who has tabulated it totally—some 5,000 appointees by the Lieutenant Governor in Council.

May I put into the record a rather balanced comment by Professor Desmond Morton, an historian of some repute and recognition with regard to this kind of situation.

Mr. Wildman: Wonderful man.

Mr. B. Newman: Never heard of him

Mr. MacDonald: He says, for example, and I quote: "In time, Drew and his successors found a satisfying and generally acceptable way of rewarding the network of local notables on which Progressive Conservative power rests. The expansion of the Ontario government has largely taken the form of a proliferation of agencies, boards and commissions and Crown corporations, and later virtually all of them provide opportunities for government jobs as directors, councillors and advisers."

Mr. McClellan: Shame.

Mr. MacDonald: "Outside the sprawling realm of government, there are a host of

other positions to fill as government-nominated directors of marketing boards, as governors of universities and as regents of community colleges.

"Since the nominations purport to give the people of Ontario a voice in controlling some of their vital institutions, party allegiance is far from being the only or even the primary factor in filling vacancies. Most of the familiar categories have to be kept in mind. If business is represented, there must at least be a token trade unionist. Religion, ethnicity and youth must normally be served, and someone will almost certainly remind the government that 50 per cent of the population is female. Somehow, though, the ranks of the Progressive Conservative Party seem better stocked with the appropriate worthies than either the plebeian New Democrats or the upwardly-mobile Liberals."

Now I suggest to you, Mr. Speaker, that that's rather an accurate description of the new patronage appointed and financed out of the public purse, civil service out in ABC's—agencies, boards and commissions. I don't think this is generally known, I draw it particularly to your attention and to that of anybody else who might want to listen.

I ask you: How do these people get appointed? Who makes the choice?

Mr. S. Smith: Don't ask.

Mr. MacDonald: Well, I was rather intrigued to discover that there's a committee, a committee known as the committee of appointments—for appointments or of appointments. Who sits on this committee?

An hon. member: Tell us.

Mr. MacDonald: Well, it is chaired by a prestigious individual, Dr. Stewart, who is deputy minister in the Premier's office. It has on its membership such illustrious figures as the member for Elgin (Mr. McNeil), a parliamentary assistant; a Mr. DeGeer, who was a Tory party organizer and now fulfills those functions within the framework of the Premier's office; Mr. Cronyn, who is a well known Tory and head of the whole COGP investigation; Mr. Westcott, who is well known as the trouble-shooter for the Premier and the government; Mr. Goodman, who is equally well known for his capacities; and finally, just to complete this highly non-political group, Mr. Kelly, the bagman for the Tory party.

Mr. S. Smith: Good to know where the people's interest is.

Mr. MacDonald: I remember years ago discovering that there was in each of the Tory riding associations what they call the employment committee, which makes all the

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# LEGISLATURE OF ONTARIO

optimistic that the sunset law is at whose time has come. But it has to be right, and that is by Act of the Legislature. I am also optimistic that a true sunset will come into this province in the next months. The Leader of the Opposition discussed my reasons for my reluctance to support his interim measure, and that is because I oppose the direction in which he is intending to head, but rather I oppose the machinery by which the review would be set about. With his review mechanism in place, it would be all too easy for people to say, "Now that we have reviewed it, we do not need to have sunset."

S. Smith: It's your government, Gord.

Walker: That may be the case, but it may not be the way. That would be no more than our present estimates approach. And as every member here knows, that is nothing more than a shotgun approach to agencies and programs which may serve little or no use.

Vildman: What?

McClellan: What allegations.

Walker: A proper sunset law will be brought to this House the kind of review which is currently absent today.

MacDonald: I rise to express the support of the New Democratic Party for this motion. I've only one reservation, and it's a reservation which is expressed in an amendment which is on the order paper today. I want to move that now so that I can have both of them.

MacDonald moved that Mr. S. Smith's motion be amended by the addition of the following words: "And that the committee have the authority to engage such staff and other personnel as the committee deems appropriate."

Stenberg: Just to spend more money.

Smith: That's a good idea.

MacDonald: The hon. member for Niagara likes to engage in idle pursuits and lacks the capacity to do anything effective. He imports the import of his interjection. As pointed out by the Leader of the Opposition, when introducing his motion, the resolution was introduced by the government on June 28, in establishing the standing procedural affairs committee. Clearly, that that committee has "the power to review the operation of particular boards, commissions and commissions for which annual reports have been tabled in the House and to recommend to it, and the committee may review the operation of these bodies as it selects

with a view to reducing possible redundancy and overlapping."

There is a list of those agencies, boards and commissions which produce annual reports and, therefore, will fall within the jurisdiction and the purview of the standing procedural affairs committee. I've heard it variously estimated as 103 or 107. There are approximately 100 of them. The reason why we support this resolution is that it extends the role of the standing procedural affairs committee to encompass all ABCs—agencies, boards and commissions—to which the Lieutenant Governor in Council makes appointments. That list is contained in a volume, the up-to-date version of which I have been able to get from the cabinet office. There are some 363 such bodies.

Some of them are redundant. Some of them should have been eliminated years ago. That comes to the point that the hon. member for London South was speaking about as to how one achieves a mechanism for eliminating one that is redundant. I remind the House that two years ago, in the interim report that was presented to this House from the standing committee on public accounts, it recommended that the Ontario Canteen Fund affairs be wound up and the committee further recommended "in view of the costs of dispensing assistance that the Soldiers' Aid Commission be phased out and the administration of the program be assumed by the Ministry of Community and Social Services."

Mr. S. Smith: That will go down in history.

Mr. MacDonald: What happened? The usual thing happened; nothing. A recommendation is brought in through a committee and is placed on the table. The report is accepted—in most instances it is adopted. Yet the government just blandly ignores it. So those two redundant organizations or inefficient organizations, whose purpose has got lost with the passage of time, still exist when it's been suggested they should go out of existence.

Let me move to some background considerations of this whole situation. Ontario has moved significantly in recent years to the establishment of what is referred to, as professional civil service; that is, one to which appointments are normally made of people who have the educational qualifications, the personal qualifications and the experience. They are not subject to firing because of a change of government. They are not subject to firing because of a change of government and want to get off at all the appointments of the government that they are not on.





appointments to the civil service that can be slipped through with influence from the ministry. In fact I remember an instance when the employment committee of the Tory association in that little pocket borough known as Lanark once had a meeting in the month of October and announced that two or three people—and they named them—were going to be appointed to vacancies in the liquor stores in the area. They did it so openly, as the Tories in Lanark do, that they sent a report to all the local papers and it was published. So I rose in the House and asked the minister responsible: "Are there vacancies in the liquor stores?" And he said: "No." "Well, will there be vacancies?" And he said, "Yes, on January 1."

How remarkable, Mr. Speaker! The local employment committee had been told three months ahead and then made the choice as to who was going to get the appointments. There we are—one of the agencies, boards and commissions. So you have a patronage committee at the top in Queen's Park, and you have local patronage committees to appoint these 5,000 people all across the province of Ontario.

Mr. McClellan: Throw the rascals out.

Mr. MacDonald: I would like to have spoken on the sunset laws, but we will have to get that some time later. I think this does the job in terms of review and, if the House is willing to co-operate in terms of recommendations that come from that procedural affairs committee, then we also will be able to implement its recommendations to eliminate redundancy.

But my amendment can be briefly spoken in a few seconds. That sort of committee cannot be effective if it hasn't got staff. It absolutely cannot do its job. A few years ago a committee in the House that had that kind of a job made a motion asking that they have the right to appoint staff. And what happened? The usual. The government ignored it or vetoed it behind the scenes.

If this committee is going to review agencies, boards and commissions, their operations, their original purpose, then, they must have the staff to do some of the work to assist the members. With the amendment, in the New Democratic Party, will gladly support this resolution.

Mr. Speaker: The hon. member's time has expired.

Mr. Peterson: I want to tell the member for York South how very much I enjoyed his speech. I hope some time we have an opportunity to debate the matters he was addressing in his speech today. If he ever

needs help one day, maybe we can help him out with the Post Office.

Hon. J. A. Taylor: Is it still operating?

Mr. Foulds: Let the record show.

Mr. Peterson: Apart from that, I want to say on behalf of our party, we think his amendment is a constructive one, a good one, and we thank him for introducing it. Clearly, we will support it and we thank him for his support of our resolution.

Mr. Wildman: Joe Davidson will love you.

Mr. Peterson: I must say I am quite perplexed by the rationalization of my old friend and colleague from London South on this particular bill. I gather in the course of his reasoning, he has come to the conclusion he cannot trust the government if we introduce my leader's resolution in this particular case, because the government will use it as an excuse for inactivity.

We are cast in a very different position on this one. We tend to trust the government will do it if so instructed by way of resolution by the House. The member for London South doesn't trust the government. Maybe he has more cause. Maybe he knows them a little better than we do. But I want to dissociate myself from his particular impression on this matter.

Mr. McClellan: He wasn't on the employment committee.

Mr. Peterson: One of his objections was the "automatic death." We have consulted with the legislative counsel and the legislative counsel said it is just not practical, it is not realistic, it's impossible. The way to approach it is to go and look at the enabling legislation for all 344, whatever the number is, boards, agencies and commissions and introduce an amendment in each particular one. You cannot overrule by way of resolution what's enshrined in legislation and in many other places.

I am reluctantly coming to the conclusion that my friend from London South's only real objection is that his name is not on it. Because this is accomplishing, in a real sense and meaningful sense, what I think he has intimated should be done. Let me tell you one or two of the advantages. My leader's resolution allows for study, review, consolidation and amalgamation—studying the whole thing, not just automatic death. In addition to the ones that are inefficient and should be put away and given a decent, respectable burial, others can be consolidated, reorganized—we can reorganize the government course of business. We think that's sufficient. An automatic death provision is only a superficial one. The resolution presented by my





leader more sincerely and correctly addresses the real problems.

Mr. Walker: That is not what your leader said.

Mr. Peterson: We, in the Liberal Party, have believed in this kind of resolution, this kind of legislation, for a long, long time. As the member will recall, this was brought up in the campaign. I want to refer him back to the budget debate when we talked about this.

Mr. Nixon: Read us some of that budget speech.

Mr. Peterson: Thank you very much. Did the record get that?

Mr. Nixon: Read us some of that budget speech.

Mr. Peterson: I would like to read just a small fraction of it—I won't bore the members with the whole thing.

Mr. Eaton: Finest speech ever read in this House.

Mr. Peterson: Here's what we said then and what we still believe. There are several aspects to this whole matter. One aspect, and I quote:

"We recommend a program of deregulation. This would function on two levels. At the first level, we would look at all committees, boards, agencies and groups of every type under the aegis of the government of Ontario, to attempt to streamline, to attempt to demystify, to attempt to bring some efficiency to it. This, in our judgement, can be done by a committee of the Legislature on a non-partisan basis; and, again, we support this constructive proposal for staff and for assistance, because it is a big job. We think it could do a great service to the people of this province.

"But there is another aspect. The other aspect is of a deregulation committee, or a deregulation approach to government which would look at all the various regulation statutes but more disturbing are the multiplicity of regulations that are attendant hereto. We think that, again, with proper staff and proper counselling we could go through these regulations. Granted, it's going to take a long time. Granted, it's not easy. But it has to be done to get a handle on that aspect of the whole matter."

You see, Mr. Speaker, this is part of the Liberal Party's program to try to bring more efficiency into government. This is just one aspect of it. The other aspect that we talked about then, and we will continue to talk about, is the zero-based budgeting which brings a lot of these things back under fresh view every year. We think it should be subjected to that kind of scrutiny from a strictly

economic point of view. We think that is constructive and we will continue to talk about that; we will continue to suggest it.

In addition to that, we've talked about introducing economic analyses for all regulations or all laws—i.e., before any law or bill is brought to this House, the government should provide an economic analysis of it, of what the effect is on the economy. As we have argued before and will continue to argue, if you bring in one particular measure it frequently has a ripple effect, it has profound ramifications for the rest of the economy. We should be able to look at any law or regulation in the broad economic context rather than as an isolated case. Because, frequently, laws are brought into being without our fully understanding all the consequences; then we have to back up and change our minds substantially.

The third and fourth areas we've talked about concern more disciplining in the expenditures by ministry. The figures are on the record many times—about how the various ministries fudge and spend 20 or 30 per cent of their total year's appropriation in the last month in order to meet the budgetary guidelines, so that they don't get cut off in the next year. And their record, the public accounts will show, was pretty bad last year. Agriculture, Environment, Industry and Tourism—all spent a disproportionate amount of money in the last month. It's an old trick. Any ministry which wants to inflate its programs or inflate its budget has used it many times before.

It's happening in such excess in this government that we think the fourth part of a management program has to be brought into place in this government. We have argued, and will continue to argue and continue to press for more discipline and more management skills, more management orientation throughout all levels of the civil service.

That's why I'm so very happy that my leader has introduced this particular resolution. There is some discrepancy in the numbers of how many boards, agencies and commissions there are. I know in one report filed by the government House leader, as I recall, there are something like 344. I heard different numbers today. It doesn't really matter. There's a hell of a lot, too many.

Mr. Foulds: What are 25 boards, agencies or commissions?

Mr. Peterson: That's just it.

The other thing, I want to say is that some 274 of those are headquartered in Toronto. It is part of our philosophy that those could be decentralized. It could be part of de-





centralization, a regional economic strategy, to deploy those boards, agencies and commissions into other areas of this province. That's one of the things that we would do in our kind of government.

The other thing that's so very scary to me—and I just want to put it on the record—is that once these boards and commissions are set up they tend to function on their own, through non-budgetary-statutory appropriations. They just function on their own and they gather momentum on their own.

Last year these non-budgetary items totalled some \$1.7 billion which is not really subjected to the same kind of scrutiny given to our current estimates. That concerns us, and we think that this is one of the needed mechanisms—to look into that kind of matter.

As I recall, the non-budgetary deficit for this type of thing was something like \$236 million last year, roughly a third of the predicted deficit at that particular time. It has grown very substantially since those particular numbers came along. It's not nearly as great a percentage, but it is still critical as a matter that is not subjected to legislative scrutiny.

We think that the government, with the assistance of the opposition parties, should get about very quickly—with competent staff, as the member for York South has pointed out—to plough through this on an organized basis. It may take years, but as my colleague from Brant-Oxford-Norfolk (Mr. Nixon) has said on many occasions, "It is better to light one candle than to curse the darkness."

[4:30]  
Mr. Speaker: The hon. member has one minute.

Mr. Peterson: I'll finish up in one minute. I just want to say again how terribly disappointed I am in the member for London South, when he has a wonderful opportunity I assume, if he is not going to support it, the government is starting to be very frightened of this kind of thing. But we do have an opportunity. I am very disappointed with the member for London South for not coming forward on this thing. I don't find any merit in any of his reasoning whatsoever.

We have more faith in the government to proceed once the course of action is initiated and we would ask for all thoughtful members of the House to support this particular resolution.

Hon. Mr. Auld: As the member for London South pointed out, the Leader of the Opposition really spent more time talking about something that was not in his resolution than

the substance of the resolution. But I would like to speak to his resolution.

The current mandate of the standing procedural affairs committee includes a review of the operations of those agencies for which annual reports have been tabled in the House and referred to it. At this time there are 75 agencies whose reports are tabled in the House. A list of these agencies is available; it includes such important agencies as the Education Relations Commission, Ontario Highway Transport Board, Ontario Hydro and the Workmen's Compensation Board, to name a few.

The government is prepared to ensure that all annual reports tabled in this Legislature are referred to that committee.

As of October 1, 1977, there are approximately 300 boards, agencies and commissions, counting each of a number of groups such as the conservation authorities as one, to which the government appoints all or some of the members. Of these, approximately 250, or about 80 per cent, are funded either fully or partially. If each agency in the groups is counted individually, there are approximately 660 bodies, of which about 520—again about 80 per cent—are funded.

The effect of the proposed mandate of the committee, therefore, would be to increase its potential coverage to agencies such as hospital boards, the Royal Botanical Gardens, boards of commissioners of police—of which there are 70—and district welfare administration boards, to name a few.

The majority of unfunded agencies have been given authority to regulate professional activities with little government involvement other than the appointment of some members: for instance, the Association of Professional Engineers of Ontario, the Law Society of Upper Canada and the Governing Board of Denture Therapists. The resolution is probably not aimed at these agencies. I don't know; perhaps it is. But there are, however, several unfunded agencies of a commercial nature, like the Liquor Control Board and the Ontario Lottery Corporation, which would be of interest to the committee. However, as I pointed out, the committee currently has the mandate to review these commercial agencies.

In the case of those agencies which are funded by the province, all expenditures of government funds are subject to the normal budgeting and control procedures applied during and after the estimates process, including estimates debates and review by the public accounts committee. The ministries and the appropriate cabinet committees also review the operation of agencies as a regular





part of their policy and planning activities to ensure that each agency continues to serve the public interest.

In addition to this general review, Management Board maintains close control over the payment of per diems and expenses to board members. Such expenses are the major or, in some cases, the only costs associated with the majority of agencies which are funded by the province. Guidelines are available which stipulate a range of per diems which can be paid to members, depending on such factors as the complexity of the work performed. Specific Management Board approval is then required for the actual level of per diems for each agency.

For some time now Management Board, with the assistance of ministries, has been developing a policy which delineates the extent to which the administrative policies of government will apply to each agency. This policy is in the final stage of refinement and should be promulgated in the government's manual of administration early in the New Year.

Mr. Foulds: It just happened to happen. What a coincidence!

Hon. Mr. Auld: All agencies have been allocated to one of three schedules. The effect of the allocation is as follows:

The largest schedule includes more than 200 agencies, most of which are regulatory or advisory in nature. These agencies are subject to all the administrative controls, practices and procedures of the Ontario government. Examples include the Ontario Municipal Board and the Ontario Council on University Affairs.

The next largest schedule comprises those agencies or groups of agencies—approximately 40—which, while funded by the province, are essentially concerned with the delivery of community or social service programs or are intergovernmental in nature. Examples include the universities, the Royal Ontario Museum and the conservation authorities. In each of these cases, the parent ministry has established financial planning and reporting processes which are appropriate to the particular circumstances.

The third group comprises a small number of agencies which are basically self-financing and commercial in nature. Again, I mention the LCBO and the Lottery Corporation and the Ontario Stockyards Board. To ensure that relevant review and control procedures are maintained in the case of these agencies, a program is under way to develop a memorandum of understanding to clarify such things as objectives, performance expectations and operating relationships.

Mr. Foulds: Sounds like the Reed proposal—memorandum of understanding.

Hon. Mr. Auld: I would now like to turn to three areas we are currently developing to enhance the processes I have just described; these are managing by results, or MBR for short, zero-base budgeting, and sunset legislation. The MBR program of the government has been mentioned both by myself and the Treasurer several times during the last year. Management Board requires that all government programs, including those that fund agencies, define the specific output they will achieve in the coming fiscal year with the resources allocated. In other words, each ministry makes a specific commitment to achieve certain results with its resources.

Mr. MacDonald: It should apply to your conservation program.

Hon. Mr. Auld: It's the government's intention to have all major programs on MBR by the end of this fiscal year.

The second area that Management Board is reviewing in order to improve the processes of allocation and control of public funds is one that has been mentioned by myself during the Throne Speech debate and by the Treasurer in his last budget. I'm speaking of zero-based budgets.

Zero-based budgeting makes particular sense in Ontario since it is a logical extension of managing by results. We have three ministries doing pilot projects at the present time. All ministries have been exposed to zero-based budgeting and in conjunction with Management Board are refining the technique with a view to introducing it as the basis for the preparation of the 1979-80 estimates. This will help to ensure that all expenditures of government by agencies are reviewed more effectively.

The enactment of a sunset law which has been introduced in several states in the USA is another approach that the government is exploring. As the name implies, a sunset law is applied to agencies and it requires that the sun will set on that agency unless it can clearly justify that it should be continued.

Currently, programs continue unless specifically terminated by the government. Under a sunset law, the process is reversed. At first glance this type of technique has appeal. However, there are a considerable number of problems with its implementation and my colleagues and I are now reviewing the sunset approach.

In conclusion, I would like to emphasize to all members that the government will continue to ensure through the processes I have





just described that public funds are allocated in an efficient and effective way.

Furthermore, the government will do everything possible to carry out the recommendations of the Camp commission and those of the Morrow committee to ensure that the Legislature is able to adequately review and analyse the operations of government including its agencies, boards and commissions.

**Mr. Breaugh:** I feel in part responsible for this because it was in June of this year that I brought to the committee's attention that we had some work to do that we hadn't embarked upon yet. Those were recommendations put before the House some time ago by the Camp commission and restated again by the Morrow committee. That was to review boards, commissions, agencies that made annual reports to the House. We reinforced that somewhat and clarified some of the language and had that passed in the form of a resolution in the House in June of this year.

It seems to have become a popular sport, however, to seize upon this idea and certainly the concept has been expanded far beyond the original suggestions of the Camp commission and the Morrow committee.

I support the concept. I would like to attempt to put a small measure of realism into it. This committee, procedural affairs, happens to be one that I chair. It's allowed to sit, under the current agreement with the House, one afternoon a week after the question period. I wish that the members of the Liberal caucus had as much fervour for attending committee meetings as the leader of that particular party has for putting this kind of motion, because last Monday we spent half the committee's time trying to find a Liberal to sit on the committee so that we would have a quorum. It would certainly be nice if we saw a little back-bench support for front-bench concepts.

**Mr. Nixon:** It might be that you got there first.

**Mr. Breaugh:** The second part of the time problem is the number of days that this House is in session, which is rather on the short side. Given that we're only allowed to participate in this exercise one afternoon a week, usually for about two hours, if we continue to have the kind of short sittings at this House has had for some time now, we're going to take to about the year 2000 to make the first run through this list. There are some practical problems that should be looked at in there.

I want to address myself to what I think is a rather atrocious piece of terminology;

that is, the "sunset" terminology. It really nauseates me no end that something as serious as this has such a catchy little title as "The Sun Sets on Some Agency Over There." It doesn't address itself to what board or commission might be involved or what it did or the human beings who are there. It's a very nice kind of Middle American concept that the sun will set on something and no one will ever be harmed by what happens, and that we'll all save money and good things will ensue. That is not necessarily true and I reject the title that is used, perhaps even more than the concept that's there.

**Mr. Walker:** You are right about that.

**Mr. Breaugh:** There's a tremendous amount of work there, and I must say the concept that we would have a Tory hunt is more fun than I personally can resist. I support that one wholeheartedly. I have been around long enough, though, to know that usually when you go hunting Tories what you wind up with is that a couple of people who have nothing to do with the decision-making process get shot, and the Tory you were chasing in the first instance, who sits on the board and knows nothing about it, survives.

I have some reservations should the Tories ever regain a majority, God forbid—

**Mr. Reed:** Don't worry, they won't.

**Mr. Breaugh:** Whatever recommendations this committee might make to this House, I don't have any delusions about what would happen to those recommendations. So I have some cautions there.

I was interested in the Leader of the Opposition's concept and the many remarks that he focused on Colorado's beautiful "sunset" law. It's my information that there are a number of boards, agencies and commissions down there surviving rather nicely, redundant as all get out, but they have caught on to the idea that every four years the sun will set and you want to be careful that you're not overstaffed; so you cut down on people who provide a service to anybody. Anything that conceivably might be useful to the society around it is cut out.

What you go for is really sharp staff who know how to deal with government committees. They spend their four years making sure they have lobbied well enough that there's sufficient support for their board or agency; that they've made a case. Then, of course, the government has its staff people devoting all their time to finding out who these people are and taking apart that argument. In fact, you really don't look at the service provided but you engage in that





wonderful governmental procedure that we see all too often.

Mr. Nixon: How could one member be so cynical having only been here a few months? Send him back to Oshawa.

Mr. Breagh: I support the concept behind this, because the mechanisms that we use in this House to examine what actually happens in the bureaucracies of Ontario is really quite full of holes; and so much of what we despise and dislike and what we all recognize as being inefficient, we never get around to because there isn't time.

I'm concerned that this is taken to be a realistic and a serious proposal. I am concerned that it becomes an effective instrument for this House to use to rid us of useless things. But I am coming back to the initial point, that the House itself must accept that this work is important. It must therefore support the amendment so that at least we will have some tools with which to carry out our task. Finally, and certainly not the least important thing, it would be really nice if members of the Liberal caucus would show up to a committee meeting.

Mr. Speaker: The time for this ballot item has expired.

Mr. Nixon: Just when I was ready.

Mr. MacDonald: And one of your best speeches.

Mr. Foulds: An excellent speech.

Mr. Kerrio: It was better than the previous one.

4:45]

## DARLINGTON GENERATION STATION

Mr. MacDonald moved private member's motion No. 5.

Resolution: That in the opinion of this House public hearings under the Environmental Assessment Act on the proposed Darlington generation station should proceed forthwith.

Mr. Speaker: You have the floor for up to 10 minutes.

Mr. MacDonald: As the motion says, and it's very straightforward, we should proceed forthwith with public hearings under the Environmental Assessment Act in reference to the proposed Darlington generation station. Let's look at the arguments which have been advanced against this. From the government, it is argued that it would be costly if we were to proceed with an environmental assessment. Mr. Speaker, I ask you, what in heaven's name did this government pass the Environmental Assessment Act in 1975 for,

if it didn't believe that it was valid and, therefore, that the cost attached to it was a legitimate cost? Why suddenly now, with the largest project that Ontario might have in the foreseeable future, does it trot out an argument that there's going to be money spent on this and, therefore, we shouldn't proceed with an environmental assessment? Surely that argument is so shallow and feeble that it need not be dealt with any more.

Secondly—and this has to be dealt with rather more carefully—is the argument that in 1985 we might have a power shortage and that the province might be faced with brown-outs and/or blackouts, therefore, we must proceed immediately without any further delay to the building of the Darlington station. I don't know whether or not we need to proceed immediately with Darlington because I haven't got the facts. I would remind this House that the select committee that looked into Hydro, which I had the honour of chairing, made a report which was endorsed by all members of the committee, including government members.

In it was one recommendation which can be found in the third section of the report on page 33. It draws attention to the fact that the deficiency in power reserves that might exist in the province of Ontario in 1985 could be changed into a surplus, if four things were done.

First, the government would have a reduction in the forecast needs in 1985 by Hydro. Hydro's own forecast between 1975 and 1976 was significantly down to indicate that that was a valid approach. Secondly, the government should set and should achieve conservation targets, instead of the unending rhetoric that we have now and not so much achievement. Thirdly, there should be various load management proposals entertained and implemented to shave the peaks and fill the valleys in the generation of Ontario Hydro. Finally, we should quantify the value that Ontario Hydro gets from being part of an international or continental grid so that if there's any emergency shortage of power in Ontario the power to cope with that shortage will immediately flow across the borders from neighbouring states and indeed neighbouring provinces.

In the select committee which the government has agreed to set up again, when we get an opportunity to monitor the recommendations of that earlier select committee, we will then be able to come to a conclusion as to whether or not those proposals that were made in the first report have been implemented by Hydro and whether or not changing circumstances now suggest that in





5 that power deficiency can be transformed into a power surplus. Therefore, we ought at least postpone moving on the build-out of the Darlington plant at this present time.

If we can perchance postpone moving on the Darlington station, I suggest that we should seriously consider doing it. It's not known to anybody in this House that there is a great and a growing concern with regard to nuclear power all across the world. We are having mass protests in France, in Germany, in Japan and, indeed, in every country in the world, people of scientific authority are drawing attention to the fact that we should go slow rather than rush into this, because we haven't solved some of the problems, particularly in coping with radioactive waste. And these are problems which pose some pretty dangerous threats to the future of the world and, indeed, to this planet.

We have men like Sir Brian Flowers, chairman of the commission which looked at nuclear power in Britain, who says that we should go slow. We have men like Dean Robert Uffen who is a vice-chairman of Hydro and Dean of Applied Science at Queen's University. He has, in the current issue of Science Forum, an article entitled: "Let's Go Slowly on the Nuclear Power Program Until We've Solved Waste Problems." I want to be accurate, and I want to be completely fair. As part of the information which, under some pressure, was finally delivered to me this morning from Hydro, I have a copy of a letter which the Minister of Energy received from Dr. Uffen. In that letter, he states that he still thinks we should proceed with the construction of Darlington as fast as possible; and he's definitely not advocating a moratorium on the construction of nuclear reactors in Ontario at the present time. His argument is that we should avoid getting into a commitment of a program that is too large, and his definition of a program that is too large is a program that would contain Darlington.

The point I'm making is that there's a lot of confusion.

Hon. Mr. Kerr: Include Darlington?

Mr. MacDonald: Sorry? That would include Darlington. Did I say that it would not include Darlington?

Ms. Gigantes: No, he said it right.

Mr. Foulds: He said it right, you heard it wrong, George.

Mr. MacDonald: What I said was his definition of a commitment to nuclear power wasn't too large would include Darlington. Therefore, he is not arguing that we

should go slow on Darlington at this present time. He doesn't really speak to the brown-out, black-out threat that was being used by Hydro and the government although, presumably, it's implicit in his comments.

Let me move from comments on the government's reasons why we should proceed immediately with Darlington to take a look at some of Hydro's reasons. I should not really separate them because they're Hydro's reasons which the government has also endorsed and taken as part of its whole approach to it.

The basic contention in Hydro is that Darlington was planned for prior to the passage of the Environmental Assessment Act. Therefore, Hydro—at least in reference to Darlington—isn't obligated to fulfill the requirements and the obligations of that Act.

It is true that the Darlington station was approved in principle in 1971. It is true that Ontario Hydro acquired the land for the Darlington generating plant between 1972 and 1975. It is true that Hydro completed its own assessment before the Environmental Assessment Act went into effect, and a copy of that assessment is contained in a volume which is readily available to those who are intensely interested. I draw attention to the fact that it is dated April, 1975. It is already now some 30 months old. Therefore, I suggest to you that the argument that we shouldn't proceed with an assessment, particularly when Hydro didn't move to fulfill the requirements of the Environmental Assessment Act throughout the last two years, is not only a shallow argument, it's not only a phoney argument, it's an argument that I'm surprised Hydro is putting forward. Hydro could have moved two years ago.

I want to go one step further. I'm not blaming Hydro so much as this government. This government should have insisted that Hydro move two years ago with an environmental assessment through the necessary public hearings. If they had done so, they would have had the result of that hearing now. They could have incorporated it in the revisions in their plans as they now move on to the site. So, as far as I'm concerned, the blame rests more on the government than it does on Hydro. I've got to be careful here and I can't name any names, but I am aware that two years ago there were voices high in the Ministry of the Environment urging that under no circumstances should Darlington be exempted from public hearings under the Environmental Assessment Act. Yet other people in the cabinet level, at the ministerial level, at the Hydro level, were willing and able to in effect veto that.





Mr. Warner: Shameful behaviour.

Mr. MacDonald: Even if Hydro is determined and even if the government is willing to accept that we proceed now with the Darlington plant and get into the initial stages of clearing the ground and proceeding with its erection; even if we are going to provide jobs and the minister can't use the argument that we are denying an opportunity for employment in an area where there's a significant measure of unemployment; even if all that is the case, there is still validity in my basic proposition at this stage that we should move towards public hearings for an environmental assessment. It may take a year or 15 months if it is proceeded with, with vigour and dispatch. At least 15 months from now we would have recommendations, and those could be considered in terms of any revision in the plans or the engineering, or the whole construction of the plant.

If the government did it now, it might have problems. If it doesn't have an environmental assessment and it doesn't anticipate some of those difficulties and they emerge after the plant is finished in 1983 and 1984 and 1985 and it gets into the generation of power, it's going to be not only more difficult, it may be almost impossible to do something about the implementation of it.

I simply can't understand why either Hydro or the government—particularly Hydro—isn't at the head of a list of people who are saying, "We must have an environmental assessment."

Surely after all the grief that we in Ontario had to deal with in the mining of uranium in Elliot Lake because of unanticipated problems for which there wasn't adequate research in advance; surely after all of the grief that we had to deal with in the refining of uranium in Port Hope because there wasn't sufficient knowledge and anticipation of the problems and now we are trying to grapple with it after the event; surely with all of the grief that Hydro has had with court cases and citizens' protests and public meetings and delays in bringing the power down from Bruce county into the golden horseshoe; surely after all of that, the organization that should be at the head of the list saying we must have an environmental assessment to make certain that every conceivable problem that might arise will be anticipated and dealt with in advance is Hydro. But Hydro is endlessly opposed to it.

One has to be fair and, as chairman of the committee, say that Hydro has had to be subjected to an endless succession of public inquiries and recognition of public needs from the task force in the early years of this

decade to the annual approach now to the Ontario Energy Board for review of their proposed rates for the next year, to the select committee and now to the Porter commission, to the prospect of another select committee, I just can't understand why in Hydro, they want as a sort of a last triumph to say that "in Darlington we don't need to live up to a law, even if it is the law in the province of Ontario."

They are the people who are going to suffer the consequences more than anybody else. Do you need to be very bright to anticipate after what has happened in all of the public protests with regard to the transmission lines, that for the next 10 years you are going to have an endless succession of citizens' groups equipped with lawyers who are going to fight this thing in court after court after court?

I am not saying that an environmental assessment would eliminate that totally but an environmental assessment would at least give an opportunity to look into it carefully, it would allow all citizens to get what satisfaction they can in terms of the information related to this respective development, at least it would reduce, minimize, conceivably even eliminate it.

[5:00]

I find the case for exempting the Darlington plant from an environmental assessment so preposterous, and I find the case for proceeding forthwith for a public hearing so conclusive, that I am going to let my case rest.

I am curious to know what arguments the other side will bring up. If perchance there is any time left at the end of the debate, which will be available to me when we have done our circuit around from party to party, I would be glad to avail myself of it. But I would like to hear some measure of reasoned argument as to why the government shouldn't proceed with the public hearings immediately.

Hon. Mr. Kerr: My colleague, the Minister of Energy, will review the factors which were considered by the government leading up to the decision to exempt the Darlington station from the Environmental Assessment Act. I intend to elaborate briefly this afternoon on the environmental safeguards provided the Darlington project, review the time-frame in which our planning decisions were made, and explain why we are convinced that we have adopted the proper course of action.

The Environmental Assessment Act is intended to apply in the conceptual and plan-





ning stages of a major proposal; and, by its terms, all that it measures must be presented as part of the assessment procedure. I must emphasize that the principal objective of the Environmental Assessment Act is to provide a comprehensive planning process which takes into account the social, economic, cultural, and natural environmental factors of major undertakings at the conceptual stage, at a time when alternatives, including the alternative of not proceeding, are still open to decision-makers.

In the case of the Darlington station, the government and Ontario Hydro had made significant decisions in the concept and planning for this station, in terms of the need for future electrical energy, the mode of generation to supply this need and the location of the station, well before the adoption of the Act by this House in July 1975, and the subsequent adoption of regulations in October 1976.

I am informed that the inclusion of the Darlington station under the Act would mean a delay of at least two years. This would mean a complete stop to the work involved in constructing the station. Preliminary work, such as site clearing, could not proceed while the assessment was in process, and as the member for York South suggested, since such a procedure would be totally at odds with the legal requirements of the Environmental Assessment Act.

Mr. Foulds: We would let you clear the site.

Hon. Mr. Kerr: In his news release of September 26, the member for York South recognizes the logic of the decision—I think he mentioned it again today—of the Porter commission to exclude Darlington from its consideration, since the commission's report will deal with the years beyond 1983.

While Darlington will not come on stream until about 1985, the commission has recognized that it requires years to plan and build such a station, and for that reason it has excluded the Darlington station from its review.

Mr. MacDonald: Did they exclude it, or did you step in and exclude it? The government excluded it, don't blame them.

Hon. Mr. Kerr: Surely the same reasoning applies to the decision we have taken to exclude Darlington from the Environmental Assessment Act.

A recent letter which the hon. member for York South has mentioned, to the Ontario Hydro chairman from Dr. Robert Uffen, who is dean of science at Queen's University, makes it clear that it is essential that the

Darlington station proceed as quickly as possible. In fact, Dr. Uffen states that Darlington and two more similar installations could be built before, in his opinion, Ontario Hydro would be committed to a large program of nuclear power.

While Dr. Uffen has expressed his concern about the need to develop adequate long-term waste disposal methods, he expresses the opinion that delay or moratorium now would solve nothing and might produce greater problems than the ones needing solution. However, while we have exempted Darlington from formal review under the Act, hon. members may be assured that the construction and operation of this power plant will be most carefully supervised under the application of the Ontario Water Resources Act and The Environmental Protection Act. The project will also be covered by the federal Fisheries Act and by the regulations set down by the Ministry of Natural Resources.

The whole purpose of these Acts and regulations is to guarantee the protection of the natural environment.

Let me review the planning process followed in the development of the Darlington proposal. As the hon. member for York South mentioned, in 1971 the Ontario cabinet approved the purchase by Hydro of the Darlington site. Two years later Ontario Hydro's long-range plan, of which Darlington was a part, was approved in principle by the cabinet and referred to the Ontario Energy Board for its review.

In January, 1974, the government approved and made public Ontario Hydro's public participation procedures for the siting of major generation and transmission facilities. These procedures were prefaced by an explicit statement in the front of this document to the effect that when the environmental assessment legislation eventually came into force, the procedure would be revised in accordance with the legislation.

Later that same year, in 1974, the Ontario Energy Board completed its review of Hydro's long-range plan and recommended to the government that the choice of fuel to be used at the Darlington station would be thoroughly reviewed by Hydro. This was completed by February, 1975, when Hydro notified the Minister of Energy of the conclusions of that review, with the choice being a nuclear fuel station.

The Minister of Energy at that time was satisfied with Hydro's analysis and conclusions. Hydro then proceeded with its public participation for a nuclear station in accordance with the procedures made public by the government a year and a half earlier.





Hydro had substantially completed its land acquisition by May, 1974. As the hon. members know, in July, 1975, the Act was approved by the Legislature. It took, however, another 15 months for the Act really to have any application.

The Ministry of the Environment, under a committee chaired by Dr. Chant of the University of Toronto, spent that period reviewing all activities of Ontario government ministries and agencies, including Hydro, in order to determine which activities should be subject to the procedures of the Act. At the conclusion of this major analysis, regulations and orders were passed by cabinet bringing the Act into force on October 20, 1976.

In my announcement at that time I explained why no decision was being made on the Darlington generating station. Let me read from that statement of October, 1976:

"Although Ontario Hydro's planning for the proposed Darlington nuclear generating station is well advanced, the government is not exempting this project from the provisions of the Act at this time. In November, 1976, Ontario Hydro is expected to submit a report on its environmental studies involving the Darlington project. Early in the new year a community-impact study will also be submitted. These studies will review potential impacts on the natural environment from the proposed development, and possible social and economic effects in local communities.

"The Ministry of Energy will release these reports to various interest groups, and the general public, and invite public comment on these impact studies. After the public has an opportunity to comment on this report the government will decide whether a formal public hearing should be ordered, or whether the project should be exempted from the provisions of the Act."

As a result of this process, 13 letters were received from seven individuals and four associations—no, that's only 11 letters—over the three-month period of December 10, 1976, to March 30, 1977. Four individuals requested a formal public hearing; two others expressed concern for nuclear safety and one proposed harbour facilities to be added to the project.

Both the town of Newcastle and the region of Durham, the communities most affected, had originally requested that the proposal be placed under the Act. In March and June of this year, respectively, both municipalities by resolution of council withdrew their requests for an environmental assessment.

The Ministry of Energy advised me of the results of the public participation process and the decisions of the municipality. On the

basis of his evaluation of the public's response and bearing in mind the need for, and timing of, additional generating capacity for the province, he recommended the Darlington generating station be exempt from the requirements of the Act.

I took the recommendation of the minister to cabinet, as required under section 30 of the Act, and a decision was made to exempt Darlington.

I have touched on these reasons briefly, and they have included the timing of the project, the environmental safeguards provided under existing legislation, and Ontario Hydro's program of public participation in environmental assessment.

With respect to nuclear safeguards, these are the exclusive responsibility of the federal Atomic Energy Control Board, and the Darlington project will have to meet all the rigid specifications of that board.

On irradiated fuel, the federal government is studying a report by Dr. Kenneth Hare on alternate methods to dispose of radioactive waste. International investigations are also actively under way with Canada's participation to find methods to ensure the safe containment of such waste. It is our understanding that storage of irradiated fuel at Darlington will be identical to that used at the two other stations, at Douglas and Pickering. That is, storage under large pools of water, which have proven a safe method, until long-term waste storage facilities are found.

In conclusion, I would like to make it clear to the hon. members that it is our intention that any future nuclear generating stations to be built by Ontario Hydro will meet the provisions of the Environmental Assessment Act. I am convinced that we have made a decision that will both protect the natural environment and—

Ms. Gigantes: We've heard that before.

Hon. Mr. Kerr: I am convinced that we have made a decision which will both protect the natural environment and serve well the long-term interest of the people of this province.

Mr. Reed: We have heard a chronology of events from the Minister of the Environment, but the one thing he has failed to do is restate the very reasons why he decided to exempt this project from the terms of the Environmental Assessment Act, which he said to the press was the urgency of going ahead with this project.

I would like to deal for the few minutes I have this afternoon with this case for urgency. Periodically, editorials in the press





tatements from various areas of the ce speak of the case for urgency, and is a word being used generally around province we should talk about here—it is the word brown-out. I really understand what the word means; er we think everything is going as my once said, into sepia tone leaving no s or what?

should first of all understand what is by this word brown-out, which seems ow fear into people. We know Hydro engaged in deliberate brown-outs this ear in order to extend their facility and it go further. They did one brown-out his summer. We know the effects of the -out. For those computers not equipped voltage equalizing devices, it can throw temporarily out of whack. That is the otal of what a brown-out does. I think ople of Ontario should know that.

with urgency being debated so consly, I wonder if the people of Ontario that up near Blind River this summer r small hydraulic power plant was ved at the behest of the Ministry of l Resources; taken out of service and wiped off the face of the earth. Grant-produced a total of a half a megawatt polluting renewable energy. So while e talking urgency on the left hand, the hand knoweth not what the other is

Conway: Tory methodology.

Reed: And it is a grand example of management.

. B. Stephenson: That's idiotic, Julian. ow better than that.

Reed: I'd like to go into the urgency little more deeply. I checked with On-Hydro this afternoon to find out what owth rate had been this year, what the ion of the system had been thus far; ojection is four per cent. That should the record.

point is, what about the alternatives e business of urgency that comes up he delay of the completion of this Let me point out an amount of energy lent to a Darlington could be saved insulation program in Ontario at half st of the capitalization of the Darling-ant.

Conway: Broken promises. Broken es.

Reed: And the figures to substantiate submit to the Minister of Energy are ed in his own publication called Turn Sun.

Hon. J. A. Taylor: Great, eh? What do you think of that publication?

Mr. Reed: And if he will look at the efficiency of saving a megawatt of electricity, he will find that a megawatt can be saved for roughly half the cost of capitalizing the plant to make it.

Hon. J. A. Taylor: Do you like that publication?

Ms. Gigantes: You shouldn't let them do you in, you know. You are on the right track.

Mr. Reed: Over 50 per cent of the energy produced by Ontario Hydro is used for the production of low grade heat. That is for temperatures of under 100 degrees Celsius. It is very interesting that in this particular area, the opportunity to provide alternatives is greatest. My friend in the NDP who made this resolution in the first place has spoken of the recommendations made by the select committee—the load management, all of the things that can be done.

[5:15]

If we take a mean average of consumption of electricity in the year, we find that we are really only using 50 per cent of Hydro's system at the present. That is why the select committee made the recommendations it did about load management, co-generation and all of the things designed to raise the efficiency, and hence the cost effectiveness, of Ontario Hydro.

We hope to have a select committee reconvened this fall to find out what Hydro has done. I submit that perhaps one of the institutional barriers to raising the efficiency of Hydro is the fact that it considers its mandate simply to meet the demand, but does not consider that in itself has the means of control of its own production, without affecting by one iota the standard of living of the people of the province of Ontario. The control is there through load management, through pricing incentives and all of the various things that the select committee discussed. So it can be done.

The option, then, because of the case of urgency, to exempt the Darlington plant from this legislation in my mind is utter nonsense. It doesn't add up. The only criterion the government seems to be using is simply recognizing a continuance of the old mandate to meet the original seven per cent per annum, reduced to six per cent through the efforts of the Treasurer of Ontario—and something concurred with by the select committee, incidentally.

But where is the effort being made for the alternatives? There are none. Nothing has





been done to this date, with the exception of some token experimental work with solar panels by Ontario Hydro. Their criterion for experimenting with solar energy was not with a view to getting it on line, but to study the impact it would have on their own systems.

Ms. Gigantes: Don't forget the windmill.

Mr. Reed: Yes, we have a windmill too, don't we?

I should point out, too, the program inaugurated by US utilities, which are privately owned, privately funded which have to pay a dividend to their stockholders and pay taxes—things which Ontario Hydro never does. These utilities are lending money to their customers to insulate. And the reason why they are doing it is because it is darn good business. It's because they know that they can make a better return on the loan for that insulation—

Hon. B. Stephenson: At \$119 a month they can afford to.

Mr. Reed: —they can make a better return on that loan for insulation—

Hon. B. Stephenson: At their hydro rates, you mean.

Mr. Reed: —than they can for capitalizing new machinery.

Hon. B. Stephenson: Just ask what their hydro rates are for a month.

Mr. Conway: Will the minister be a little less noisy?

Hon. B. Stephenson: Because I have an imagination, I suppose.

Mr. Reed: I would also like to point out that I consider this kind of exemption on a project of this magnitude to be a dangerous precedent.

If we use the case for urgency as the criterion for exempting—it's all right, I'll finish with the minister in a minute—projects of this nature, I wonder what will be next. The minister should listen to this. Garbage dumps have a degree of urgency from time to time as well.

Mr. Foulds: Don't look at the Minister of Labour like that when you use those terms.

Mr. Reed: What are you going to exempt next?

Hon. Mr. Kerr: Not garbage dumps.

Mr. Reed: Are you going to exempt garbage dumps?

Hon. Mr. Kerr: No.

Mr. Reed: You're not going to exempt garbage dumps. That's good because we've got one out in Milton that we don't want exempted.

Mr. Reed: It's a dangerous precedent and it's one that must be stopped here and now.

Ms. Bryden: In rising to support this very important resolution I would like to point out that this is more than a simple request for a public hearing under the Environmental Assessment Act. It is a resolution which bears on the very important question of how Ontario's energy needs are to be met in the next 10 or 20 years. This is because it relates to the largest nuclear development in Ontario and to one which will be the largest in the world. It is incredible that a project of this size and importance should not be subject to environmental assessment under the Act.

It is also a resolution which focuses on the effectiveness or ineffectiveness of the whole environmental assessment program of this government. Since the Environmental Assessment Act was proclaimed in October, 1976, at least 67 exemptions have been granted under section 30.

Ms. Gigantes: They have undermined their own legislation.

Ms. Bryden: Many are of very broad application, such as most of the activities of the Ontario Northland Transportation Commission. Ontario Hydro alone has received the largest number of exemptions, larger than any other ministry or agency.

Mr. Deputy Speaker: Order, please, there are a number of private conversations which I believe are unnecessary.

Ms. Gigantes: It's all those Liberals, Mr. Speaker.

Ms. Bryden: Seventeen exemptions for Ontario Hydro up to the end of July. The exemptions have been coming so thick and fast that the Act resembles a fish net rather than a shield. Their proliferation brings into questions the credibility of the government's avowed commitment to protection of the environment. It makes one wonder at the Minister of the Environment's statement when he was describing the objectives of the Act and said: "The public will receive full information on these projects and programs and will have the opportunity to participate in the planning process."

An hon. member: Hollow words.

Ms. Bryden: Certainly if the recent decision to exempt the Darlington nuclear project from the Act is not reversed one can only conclude that the Act is simply window-dressing.

It is interesting to note that the Darlington project was not included in the original list of Hydro projects exempted at the time the Act was proclaimed a year ago. The govern-





ment gave as its reason the fact that Hydro was conducting its own environmental impact studies and community impact studies; that it would await these studies and would invite public comment on them before declining on whether to have a full public hearing under the Environmental Assessment Act.

I do not think that we can accept the principle that any studies conducted by an interested party, however well planned or executed, can substitute for an independent environmental assessment with public hearings, as provided for under the Act. The mere fact that some public input or comment was invited on the Hydro assessment does not validate that assessment as equivalent to public hearings conducted under the Act.

We must bear in mind that the province has already taken two big steps into the field of nuclear generation without public hearings or environmental assessment, because they were started before the Environmental Assessment Act was passed. It is quite conceivable that there are many things which can be learned from the experience of these two projects. This experience could be brought out at public hearings on the third project, now under contemplation, especially when the third project is going to be several times as large as the initial ones.

I question the minister's statement that work on the site could not proceed while the environment assessment is under way. We are not asking for a complete freeze on the project, or a complete deferral of work which will provide much-needed employment this winter and next summer. I do not see why the site work could not be exempted under section 30 while environment assessment hearings were held on the construction plans, so that we do not repeat the mistakes of the past and end up with a much more costly project, and also face the possibility of having to stop work in midstream with tremendous layoffs, similar perhaps to what happened in Sudbury, if we discover things in the future which could have been anticipated by proper hearings at the present time.

The government's arguments for the exemption have already been scotched by my colleague the member for York South (Mr. MacDonald).

Hon. B. Stephenson: Really?

Ms. Bryden: The argument that it might cost more if there is any delay—

Ms. Gigantes: MacDonald knows how to scotch.

Ms. Bryden: —can be made against any activity in an inflationary period.

Hon. B. Stephenson: Scotched? I thought they had been ginned-up by it.

Mr. MacDonald: Corn, corn, corn.

Ms. Bryden: But the costs of rushing ahead into mistakes can be much greater.

Hon. B. Stephenson: Oh, they were pretty rummy anyway.

Ms. Bryden: The real culprit, Mr. Speaker, for any costs of delay, is the government, which has already had a year to get the environmental assessment under way.

The crucial issue in this resolution is the future of the Environmental Assessment Act and the confidence of the people in that Act. Only by reversing its decision to bypass the Act can the government restore any faith in its commitment to protecting the health and safety of the people of Ontario, and the preservation of our environment.

Ms. Gigantes: The Minister of the Environment (Mr. Kerr) isn't even here.

Hon. J. A. Taylor: Mr. Speaker, surely the issue in this regard is whether to proceed now with the construction of that plant or whether to delay that construction.

Mr. MacDonald: That isn't the issue.

Hon. J. A. Taylor: You have been ambivalent over there. As a matter of fact there is not one member in this House who had the intestinal fortitude to get up and say: "We will halt construction now."

Ms. Gigantes: Halt construction now.

Hon. J. A. Taylor: How hypocritical can you be to suggest that you take that position, and then to proceed with an environmental assessment?

Mr. Foulds: Halt construction now.

Hon. J. A. Taylor: Can you imagine that? What those hon. members are saying—

Ms. Gigantes: You are going to be sorry.

Hon. J. A. Taylor: —is to proceed with the construction of that plant and at the same time, concurrently with that construction, to have an environmental assessment.

Mr. MacDonald: Right, right.

Hon. J. A. Taylor: That makes a mockery, surely, of the whole procedure.

Mr. MacDonald: What does?

Ms. Gigantes: Have you seen the latest forecast?

Hon. J. A. Taylor: It makes a mockery of the whole procedure.

Mr. Warner: Resign, do us all a favour.

Hon. J. A. Taylor: Surely the argument for proceeding with the construction now





is to ensure the reliability of a secure supply of electrical energy in this province.

Mr. MacDonald: Sure.

Mr. Foulds: Dispense.

Mr. Reed: We told you how to do it.

Hon. B. Stephenson: Only with you.

Mr. Reed: We have given you the alternatives.

Hon. J. A. Taylor: It's important in view of the time of construction that the project commence immediately, which it has.

Mr. Breagh: Leave out the big ones.

Ms. Gigantes: What about Madoc?

Hon. J. A. Taylor: If the delay is for one year—

Mr. Breagh: Did Ontario Hydro write this speech for you?

Hon. Mr. Kerr: What about Madoc?

Hon. J. A. Taylor: —and you carry forward your completion date for the first reactor to 1986, that what you are doing is letting your reserve margin fall to 15 per cent, and the 15 per cent reserve margin is critical in the province of Ontario.

Mr. Foulds: What about getting your coal plants moving?

Hon. J. A. Taylor: Anything less than that would certainly bring about—

Ms. Gigantes: Get your boiler straps together.

Hon. J. A. Taylor: —brown-outs or black-outs, as has been mentioned today.

If that construction is delayed for two years, and you carry forward the completion date of the first reactor from 1986 to 1987, then you reduce that margin of reserve further to eight per cent.

Ms. Gigantes: Have you seen the new forecasts?

Mr. Warner: Somebody help him turn the page.

Mr. Breagh: What's the matter? Did your crayon break?

[5:30]

Hon. J. A. Taylor: The member for York South has indicated a number of reasons why he thought this should proceed. I would like to inform the House—

Mr. Breagh: That would be a first.

Hon. J. A. Taylor: —that Ontario Hydro has been assessing all potential means for reducing load growth, including increased load management, intensified conservation, assigning a value for interconnections—

Mr. Foulds: Turn off the radiators in the lobbies.

Hon. J. A. Taylor: —and negotiating more interruptible consumer power contracts.

Ms. Gigantes: Because they were ordered to.

Hon. J. A. Taylor: As a matter of fact, I would expect that within a month or so a report in regard to those items will be tabled in this House.

Mr. Foulds: Bob Colby didn't write this speech, Robert Taylor did.

Hon. J. A. Taylor: Notwithstanding that, it's important to proceed immediately.

Mr. Foulds: Which Taylor is giving this speech?

Mr. Speaker: Order, please.

Hon. J. A. Taylor: Nothing at all will be added in proceeding under the Environmental Assessment Act, and the members across the House do not understand that the Environmental Assessment Act is a process. It adds nothing to the standards or the criteria—

Mr. Mancini: What did you pass it for?

Mr. MacDonald: Why did you pass it then?

Hon. J. A. Taylor: —that are taken into consideration in the construction of a project in this province. They don't seem to understand that.

Ms. Gigantes: Why does it exist?

Hon. J. A. Taylor: It establishes no new standards. The standards are already enshrined in our legislation.

Mr. Warner: Why don't you take your skateboard and head for Lake Ontario?

Hon. J. A. Taylor: Oh, that's very intelligent, very clever.

Mr. Speaker: Order.

Hon. B. Stephenson: Right, it's just about your speed. Resign, David, resign. You're a disaster, David; resign.

Hon. J. A. Taylor: May I point out to the members across the House that the Atomic Energy Control Act and the Atomic Energy Control Board are involved in the construction of a nuclear plant right from the very beginning, that is in terms of the site itself. The members across the floor don't seem to understand that.

Mr. Foulds: How come you rely on that Liberal agency?

Ms. Gigantes: You had two years to do it.

Hon. B. Stephenson: The Act wasn't there two years ago.

Hon. J. A. Taylor: That site, that very site, has to be analysed by the board. In conjunction with that site, every piece of work





that goes on on that site is under the strict scrutiny of the Atomic Energy Control Board and its regulations. You don't seem to understand that these criteria have been established.

It's more stringent that any criteria you could ever dream up and has resulted, in this province, in the development of nuclear power stations that are second-to none in terms of reliability and safety; as a matter of fact they lead the world. I'm particularly proud of that fact in this province, even though you may ridicule that fact.

Mr. Lupusella: He is becoming an expert on nuclear power.

Ms. Gigantes: They're the same people who gave us Port Hope.

Mr. Warner: It was better when you suggested tabling your report.

Mr. Foulds: Dump all the waste in north-ern Ontario. How much waste will there be?

Hon. J. A. Taylor: Furthermore, we have all the provincial legislation which the Minister of the Environment has mentioned that applies to this.

Ms. Gigantes: He has just exempted it.

Hon. J. A. Taylor: You still can't get through your thick heads across there the difference between form and substance. The Environmental Assessment Act is a form, the substance lies in other pieces of legislation which the Minister of the Environment has mentioned here today.

Mr. Foulds: Oh it's just a form. Is that a government policy?

Hon. J. A. Taylor: Furthermore, look at the local municipal requirements. You don't seem to understand that the regional municipalities are involved very thoroughly in the planning process in terms of land-use planning, compatibility of development, the infrastructure of municipalities.

Ms. Gigantes: Hydro bought them off.

Mr. MacDonald: Why did you pass the Act?

Mr. Foulds: Hydro tries to snow the municipalities too, by waiting so long to give them information.

Interjections.

Mr. Speaker: Order, please. Would the member for Carleton East remain silent?

Hon. J. A. Taylor: Don't be so arrogant in assuming that you have superior wisdom to the people who are elected locally, who have some say in connection with what development takes place within their municipality.

Mr. Foulds: It is not arrogant to assume that one is more intelligent than you.

Hon. J. A. Taylor: Both the regional municipalities of Durham and the town of Newcastle have reviewed, studied and analysed this very thoroughly. You may not have any faith at all in local self-government, but I can tell you—

Mr. Breaugh: They bought them off.

Hon. J. A. Taylor: —that they have looked at this in conjunction with their official plans, their zoning, their infrastructure in terms of services—whether it's water, sewer or roads—and they have given their sanction. They've endorsed this very project.

Ms. Gigantes: Shame on you.

Hon. J. A. Taylor: You want to eliminate all that; shame on you.

The timing of this project is important. It's not only important from a point of view of ensuring a secure supply of electric power, but it's also important in terms of ensuring the orderly employment of Hydro forces and other work forces in this province from one project to another.

Ms. Gigantes: You started two years ago.

Hon. J. A. Taylor: You don't seem to understand there's financial and economic planning involved in a work force such as Hydro employs in Ontario. You don't seem to understand Hydro is spending something like \$1.5 billion a year in construction in this province of Ontario.

Mr. Foulds: Quit looking at your own member when you say that.

Hon. J. A. Taylor: You would prompt a delay of that type of construction in order to satisfy a procedure which is not applicable in this case because of the history of the case starting in 1971.

Ms. Gigantes: What about Madoc?

Mr. Conway: Adam Beck couldn't have said it better.

Hon. J. A. Taylor: We have the Pickering B plant where workmen must come off and gradually come into the Darlington area. The Wesleyville station, of course, is proceeding.

Mr. Sargent: You are going to hell on roller skates.

Hon. J. A. Taylor: The Darlington station must proceed as well. It's important to keep that kind of skilled work force together, and it's important to the local community.

This project, Mr. Speaker, will cost in the neighbourhood of \$3.9 billion when the work is completed early in 1988.





Mr. Makarchuk: By the time you are through, it will be twice that.

Mr. Breaugh: Eight by the time you are through.

Hon. J. A. Taylor: Darlington now has 120 workers, which will increase steadily to 3,700 workers by 1984.

Mr. Conway: Enough to beat the member for Durham East the next time around.

Hon. J. A. Taylor: On-site wages and salaries in connection with this project will amount to \$750 million; \$145 million will accrue to local businessmen in the community.

Mr. MacDonald: You are setting up a strawman.

Hon. J. A. Taylor: The spending within Ontario will amount to \$2.5 billion.

Mr. Conway: You are a hollow reed.

Hon. J. A. Taylor: And the member for York South should know, if anybody knows, if you spend that kind of money, you have a rule of thumb that for every industrial job created you will create another five jobs. That could mean a probable expansion to 18,000 jobs in connection with this type of project.

Mr. MacDonald: We are not arguing against that.

Hon. J. A. Taylor: What members opposite are suggesting is that we delay this particular work.

Mr. Speaker: The hon. minister's time has expired; the hon. member for Niagara Falls.

Mr. Kerrio: Where the water goes over.

Mr. Warner: Try the Welland Canal.

Mr. Sargent: Now you will hear the truth.

Mr. Speaker: I want to remind the hon. member the mover reserved four minutes and 19 seconds for a reply.

Mr. Kerrio: How much time is there then, Mr. Speaker?

Mr. Speaker: About two minutes.

Mr. Kerrio: Thank you, Mr. Speaker, I shall be very brief. I am pleased to support the resolution by the member for York South.

I think it's a very good resolution. I would like to suggest to the Minister of Energy that if there is a panic situation existing, it's one of his own making. I have stood here many times and I have listened to the Premier (Mr. Davis) and I have listened to the Minister of Energy suggest we run the greatest power development in the world, and we do.

Hon. J. A. Taylor: Do you want to delay it or don't you want to delay it?

Mr. Kerrio: But let me tell you something: In the province of Ontario, with the potential that exists here, if you didn't run the best and the most efficient power plants in the whole wide world, you should all hang your heads in shame.

Mr. Eaton: We do, we do.

Mr. Kerrio: And now I would like to suggest, to follow up the suggestion that is of your own making, that Ontario Hydro has created demands on this province out of all proportion to need, leading us to waste power to the degree we do. You insisted for many years, "Hydro is yours; use it," to the point you are still encouraging people in North Bay to heat with electric heat. The minister knows, sitting in his place there, that's not the way to go in this time of restraint, a time when we should be much more efficient than we are.

Mr. Reed: He's speaking the truth.

Mr. Speaker: The hon. member has one minute.

Mr. Kerrio: Electric heat is not the way to go, but as long as we have it to the degree we do, we should insist that we put in force one of the very platforms of that government on the other side, very efficient insulation. Insulation is still one of the most significant things we can do.

I would like to suggest to the minister right now that Hydro is not a sacred cow. If you want to put legislation across this floor to deal with everyone else in the province, you should submit yourself to the same kind of scrutiny, it shouldn't be any different.

Only a very few days ago, on this very floor, we suggested to you province-wide bargaining and you wanted to exclude Hydro. We have suggested in many other instances that we should never exclude any of the forces that work for the people of this province from any kind of legislation which everyone else in this province is subject to.

Mr. Speaker: The hon. member's time has expired. The balance of the time is for the use of the member for York South.

Mr. MacDonald: Mr. Speaker, in drawing this debate to a close, I just want to make two or three points. The argument has been advanced on the other side of the House we are trying to delay proceeding with this matter. There are two or three arguments that are contradictory. So let me take this one.

We are attempting to delay proceeding with this plant; that's going to deny jobs, that's going to deny all the multiplier effects throughout the community and the benefits to the community. Mr. Speaker, the point I made in a substantive conclusion of my ini-





tial comments was that even if you proceed with the building of your plant at the present time, there is no reason why you cannot go ahead with the environmental assessment.

Hon. J. A. Taylor: For what purpose, when you have your plan already laid out and approved?

Mr. MacDonald: Well just a minute. The Minister of the Environment shakes his head and says you can't do it. Why can't you do it? Is there anything in the Act that says that you can't do it?

Hon. Mr. Kerr: Say the assessment board recommends against it?

Mr. MacDonald: Who did? The assessment board recommended against it?

Look, you are getting assists all over the lot. For two years you sat idly and didn't do anything about the assessment. You now tell us that you are having Dr. Chant or somebody else, try to find out over what area the Environmental Assessment Act should apply. You could have said, with the largest project that was going to come into the province of Ontario, that it would apply there. While he went ahead with his other study of the application of the Act you could have proceeded. Starting in 1975, you were guilty of the procrastination, you were guilty of the collusion to exempt this. To argue now that the assessment board says you can't go ahead with an assessment—

Hon. J. A. Taylor: You don't even know what it would accomplish.

Mr. MacDonald: —while the initial construction is going on, I suggest to you is just not a strong argument at all.

The minister also got up and challenged us, saying nobody here had the guts to get up and say, "Stop building it." We have suggested to you that until we get the facts we are not persuaded. We haven't been given the facts, in the light of the recommendations of the initial commission, that you really need that power for delivery in 1985.

Hon. J. A. Taylor: Will you take it on your head to stop it?

Mr. MacDonald: As a matter of fact, when you take the information that was given to the House by the hon. member for Halton-Burlington (Mr. Reed), our growth in the last year has only been four per cent—

Hon. J. A. Taylor: And you know it, Donald.

Mr. MacDonald: I know what?

Hon. J. A. Taylor: You know what the first few months were, you have to look at the average.

Mr. MacDonald: There is plenty of evidence to suggest that the implementation of the recommendations of the select committee would have reduced the need for power in 1985; plus the further fact, which has been put in this House, that it costs twice as much to capitalize the production of a new megawatt as it does to save an existing megawatt through conservation plans, and things of that nature. All of that could have been done to reduce the requirement for rushing into it at the present time without an environmental assessment.

But I come back to my basic point; you could have had your environmental assessment, you are just making excuses. For the minister to get up over there and say that henceforth we are not going to exempt any new plants; what does that do to your whole argument that you have done everything to consult the local municipalities?

[5.45]

Ms. Gigantes: They've bought them off.

Mr. MacDonald: You consulted with them and you bought them off—

Mr. Warner: You have been bought off.

Mr. MacDonald: —to justify your going ahead.

Hon. J. A. Taylor: If you can't distinguish between the procedure and the substance—

Mr. MacDonald: I think the case is still conclusive, even though the noise may have befogged it, the case is still conclusive that we should proceed with public hearings immediately.

Hon. J. A. Taylor: You don't have the guts to say stop it.

Mr. Speaker: Order, please. There are a number of questions before us and I would ask the attention of members as I place these matters before them.

I propose first to determine if the two matters be put to the House for a vote.

Sufficient members having objected by rising, a vote was not taken on Motion No. 7.

Sufficient members having objected by rising, a vote was not taken on Motion No. 8.

Mr. Conway: Well the turkeys are all in one bin.

Mr. S. Smith: Well Darcy, you can explain this the next time you are talking to the CMA. I'd like to hear you get your way out of this one.

Mr. Speaker: Order, please. The government House leader has some information for members.





Hon. Mr. Welch: At this time it's usual that we indicate the order of business for next week before the supper break.

I would like to mention that tomorrow morning, in view of a very important national event taking place in Quebec City starting tonight, which will get this country back in the right direction—

Mr. Peterson: Dump Joe.

Hon. Mr. Bernier: We started with Manitoba.

Mr. Conway: Bob Coates is just what the country needs. Who is going to move his nomination?

Hon. Mr. Bernier: Remember B.C.?

Hon. Mr. Welch: He is a short guy too, but let me tell you, he's a powerful man. Don't underestimate Joe Clark.

An hon. member: So was Napoleon.

Mr. Speaker: Would the hon. House leader kindly indicate what we might expect next week?

Hon. Mr. Welch: Yes. Tomorrow, Mr. Speaker, because of that, I thought I should indicate to the House that there will be a number of cabinet ministers absent tomorrow.

Mr. S. Smith: Who would notice?

Hon. Mr. Welch: We felt in fairness, in order to avoid confusion tomorrow and to provide guidance for the preparation of questions, that we should indicate that to both opposition parties and provide them with a list of members of the executive council who will be here tomorrow for the question period.

Mr. Warner: Can't we choose?

Mr. Kerrio: Who is going to sit withorne?

Hon. Mr. Welch: So there will be some 4 or 15 members of the cabinet here tomorrow for the question period, and the opposition parties have been provided with a list of names of those members of the cabinet who will in fact be here tomorrow.

Mr. Conway: We want Frank.

Hon. Mr. Welch: Going to next week and the usual committee structure as it's now understood, I might simply indicate that on Tuesday, being legislation day, we serve notice that the following bills, time permit-

ting, will be called: Bills 40, 77, 81, 72, 73, 25, 84, 85, 88, and 91.

An hon. member: In that order?

Hon. Mr. Welch: Yes, hopefully. We have agreed we are going to meet only in the afternoon on Wednesday, and on that afternoon we would do estimates in the House. By that time we should be ready to carry on with the estimates of the Attorney General.

Thursday's business will be in the morning, and we will do the two private members' bills standing in the names of the members for Cochrane South (Mr. Pope) and Essex South (Mr. Mancini), with the bell at 1:45 p.m.

Mr. Warner: Are you going to have a free vote on it?

Mr. Cassidy: Are you going to block the vote again?

Hon. Mr. Welch: There is no House on Friday.

Mr. Speaker, I would be glad to respond to any questions there might be, but that would be the order of business for next week.

Mr. Foulds: Point of order, Mr. Speaker. I would like you to take it under consideration as to whether, when the new provisional order 36(f) about 20 members standing in their place is in effect, the old standing order 81 also applies; that is, if five members request a recorded vote, such a recorded vote requested by those objectors should take place? I would like you to take that under advisement.

Mr. Speaker: It is my understanding of the rule that you don't take a recorded vote unless there is a division; and there was no division. It wasn't even allowed to be put to the House. It wasn't even being put to the House.

Hon. Mr. Welch: There would have to be a division first.

Mrs. Campbell: They stifled the vote. Interjections.

Mr. Speaker: Does the hon. member for Yorkview want to use the time up until 6 o'clock; or is it the wish of the House that I call it 6 o'clock?

Mr. Young: Call it 6 o'clock, Mr. Speaker.

The House recessed at 5:53 p.m.

#### ERRATUM

P.	Page	Col.	Line	Should read:
3	1351	2	50	tions are demanded of them? What screening





## APPENDIX

(See page 1457)

Answer to a question was tabled as follows:

**29. Mr. McEwen**—Inquiry of the ministry: Will the minister indicate how much the Urban Transportation Development Corporation paid for its test track site near Kingston? Furthermore, what amount of extra money was expended on options for other sites? In addition, will the minister please advise of the cost of site adjustments and, specifically, the total cost of earth removal? [Tabled October 20, 1977.]

Answer by the Minister of Transportation and Communications (Mr. Snow):

The purchase price of 480 acres of land for the Ernestown site was \$430,500 plus \$5,900 in legal fees. Extra money expended on options for other sites amounted to \$5,000 for each of two 150 acre sites in the township of Kingston in Frontenac county.

The cost of earth removal for the guideway is estimated at 40,000 cubic yards at \$1.45 per yard, or \$58,000.





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No. 40

# Legislature of Ontario Debates

Official Report (Hansard)  
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**First Session, 31st Parliament**

Thursday, November 3, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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## LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 3, 1977

The House resumed at 8 p.m.

**Mr. Deputy Speaker:** I would like to inform the members of the House that the hon. member for Parkdale (Mr. Duksza) has withdrawn his request under standing order 28(a).

### HIGHWAY SAFETY SELECT COMMITTEE REPORT

Consideration of the October 17, 1977, report of the select committee on highway safety.

**Mr. Deputy Speaker:** Before the House rose at 6 o'clock, the hon. member for Yorkview had been recognized to speak.

**Mr. Young:** Mr. Speaker, the final report of the select committee on highway safety was tabled with the Clerk on September 20 of this year. The committee was appointed back in May 1976. Its interim report was tabled in November and was discussed here in this House subsequent to that time.

During 1977 the committee had a very full schedule of meetings and investigations. We had experts in their field from pretty well across the continent and around the world. We had the advantage of a great deal of wisdom, not only on the part of committee members but on the part of these experts who came to us and gave us of their time and wisdom, and this was very much appreciated.

The problem we faced in the committee of course, was that here in Ontario we have been killing 1,500 to 1,800 people a year—last year, we think because of the seatbelts and the lower speed limits, it was likely something over 1,200; so that is an advantage—and we are maiming and injuring over 85,000 a year.

The total cost to society here is something like \$500 million every year because of the mayhem on our roads. Our job was to recommend how this kind of damage might be mitigated—how we could cut the accident rate, the death rate, the injury rate and the property damage rate.

As we started our work we realized, as all of us do, that there is no way that we can eliminate accidents on the road. People are subject to error and split-second error is

all too prevalent in the accident situation. Then, of course, we have mechanical failures as far as vehicles and control equipment are concerned. We realized we are never going to cut that accident rate by 100 per cent. But we felt if we can cut it by something—five, 10, 15, 20 per cent—the payoff is going to be very large.

We also recognized as we started there are very strong vested interests against the work we were trying to do—an industry which is more interested in selling cars than in safety; more interested in gadgets than in eliminating the kind of death-and injury-producing surfaces on their vehicles, which we saw all too often earlier on.

There are also the interests concerned with alcohol. They are determined they are going to brainwash our people from the time they begin to watch television and read newspapers, in spite of the fact that we do know now that the absolute consumption of alcohol in a society bears a direct relationship to the highway toll—death, injury, property damage. And we know that ultimately the only way we're going to solve this problem is by getting down the total consumption.

Then we have the parts manufacturers—the Fuzzbuster people and others—who are more interested in sales and in preserving their own particular interests, whether safety is served thereby or not.

**Mr. Conway:** Easy on former Tory candidates.

**Mr. Young:** Not the candidate—one of his family I understand.

For many years the design of motor vehicles was left entirely to the industry and, as I said, their concern was sales. We had little appreciation, I think, of the connection between accidents and driver training, the roadside hazards and such features as alcohol. We didn't worry too much about these things and we seem to take for granted that the increasing death and injury rate was something which we couldn't do much about—it was sort of an act of God.

But then by the mid-Sixties the government, pressured by people such as Nader and others, began to take action. I'd like to



put the figures in Hansard, that after governments had begun to lay down safety standards and specifications, the post-1967 cars chalked up 23 per cent fewer occupant deaths than the cars between 1964 and 1967. Those same post-1967 cars chalked up 39 per cent fewer occupant deaths than the cars built previous to 1964.

Then at the same time governments began to think in terms of what the rigid poles were doing alongside the road, what the trees were doing in close to the pavement, what the abutments along the bridges were doing. We began to think in terms of break-away poles, cleaning out and making smooth that area adjacent to the pavement and eliminating the roadside hazards. All those things helped. But the toll is still too high and because it was too high, this committee was appointed. We believed then and still believe that the total can be reduced still more.

We made 52 recommendations designed to do three things: Prevent the accident toll on the highway; cut down the results of those accidents; and set up some sort of an ongoing research program to bring all the knowledge that we have accumulated through technology, coupled with government action, to bear, to continue to cut down on this toll.

Certain rather startling facts emerged. I'm only going to mention 10 of them, but they were to us somewhat revealing.

One, driver training is completely inadequate. The youngster who learns to drive from his uncle or brother is just as good a driver, it seems, and has the same accident record, as youngsters who learn through a high school driving course or through commercial driver training. There is no proof we could find that one is better than the other. So there is some shortage there.

Second, good drivers cause most of the accidents. If we took the advice of some people who say, "Plant these guys who are caught drinking and driving or in accidents in jail and you'll solve the problem," that just does not turn out to be the case. There is a different seven per cent or eight per cent of the drivers causing the accidents every year. You eliminate those seven per cent or eight per cent one year and a new group emerges the next year.

Up to one-half the drivers who have their licences suspended still drive. They're a problem for police and for society.

Trucks take twice the distance to stop than the ordinary motor car. It's something to give us pause when we see a truck barrelling down the highway just behind us and we run into a crisis situation.

Fifty-two per cent of all driver deaths are

alcohol-related. Impaired 18- to 19-year-olds are 70 times more apt to die in accidents than the non-impaired average driver. The risk of collision for an impaired 16- to 17-year-old is 165 times as great as for a non-impaired average driver.

By far, the time of highest risk of accident, death or injury is from Friday afternoon, about dark, until early Sunday morning.

A drinking driver in Ontario has one chance in 2,000 of being caught by the police.

The last one I want to mention: We're 100 breathalysers short for effective breathalyser enforcement in the province of Ontario.

These are just a few of the items that we faced during our study. Just a few, but rather startling. So, our recommendations were, we hope, practical. To meet some of these problems and many others. While we didn't try to cost out the recommendations we made, we had a sort of intestinal feeling that they are cost-effective and that they're worthy of very serious consideration by government.

We started with the driver, because of the items that I have mentioned. We made recommendations that the tests given to the driver at government level ought to be upgraded considerably; that the courses ought to be very much upgraded and much more safety-oriented; that the teachers ought to become professionals, that they ought to be very much more effective in their work—and that means far more training. We believe that the community colleges ought to play a very strong part in this whole process. We think that this process of strengthening the whole driver-training process ought to start now. It's a long-term thing but we ought to get started at it.

We recommended that a photograph should be placed on the driver's licence, in order to prevent abuse; that a probationary licence for two years ought to be issued and the new driver should earn his right to drive, over those two years. He should be carefully supervised, sympathetically but toughly, so that by the end of the two years we would hope he'd emerge a far better driver than the average driver today at the end of that period of time.

We also recommended that the older driver, after 50, should have a medical certificate signed by a physician.

**Mr. Nixon:** That is old.

**Mr. Young:** This is one of the rather tough ones on the members of this House, perhaps, but we have to recognize right now that the



medical profession is obligated, when they find something in the health of one of their patients, to let the ministry know if he's dangerous and apt to drop dead behind the wheel at some time in the future. The medical profession admitted that they feel that they can't blow the whistle on a friend or an old patient; many of them won't do this. So the recommendation came from the committee that, as a matter of routine, the doctors could sign a certificate of this kind. This ought to be done every three years after 50.

At the same time, we recommended special licences for people who are handicapped who might not drive at night or on the freeways and yet might want to go to church or to shop or to do certain errands within the limits of their capabilities.

[8:15]

Enforcement of the law, of course, presents a very great problem. So many people came before us and said; "All we have to do is let the police crack down on these beggars who break the law." The police tell us that's not so simple. There are never enough policemen, never enough black and white cars, never enough equipment. As I mentioned, the breathalysers are over 100 short in this province. Then there's a divided jurisdiction in this province as far as enforcement is concerned. The basic problem is the fact that law enforcement ought to be a citizen responsibility, not just a police responsibility, and, by and large, I suppose, most citizens do feel a sense of social responsibility. But the law-breaker—and there are those in our society, unfortunately—doesn't seem to respond too much to this business of punishment.

Every jurisdiction we visited or heard from, seemed to have the same experience—tough punishment did not solve the problem. What was more important was a feeling that apprehension was pretty certain; a high expectation of apprehension.

A lot of people have the Fuzzbuster syndrome. They want to live just outside the law but they don't want to get caught. In the case of the Fuzzbuster owner, he's willing to spend a lot of dollars in order to have a machine which will allow him to cruise along just outside the law but will prevent him being caught in that law-breaking activity. There are people who feel that way but, by and large, I think most people are law-abiding and very concerned over this whole matter.

The police function, as far as we are concerned, is to prevent accidents, not to collect fines, not to produce revenue, not to

apprehend after the fact, although that's part of the function. But that's not their main function, and as far as safety is concerned, we want to see them preventing accidents.

The committee believes the police can be more effective in improving traffic safety; more effective than they are now. It determined that apprehending violators is an effective safety measure only if the violations are likely to contribute to accidents. The committee suggested that to influence driver behaviour effectively, the police must, in addition to apprehending violators, be a visible presence on the road, focusing their efforts on selected accident-prone locations.

The committee recommends a careful evaluation of current enforcement practices aimed at road safety; adequate equipping of police forces to enforce current laws and in particular to enforce current laws relating to drinking drivers; providing legislation so that remote surveillance cameras working around the clock at accident-prone locations can be utilized; and banning such devices as the Fuzzbusters, designed primarily to allow drivers to speed with impunity.

As well, the committee recommends one government enforcement agency have the responsibility for co-ordinating the traffic law enforcement system.

We also recommend we tighten up on the points system, specifically that the violation date from the time of the incident, not from the time of the conviction in court. This means the person who deliberately delays court appearances so that some of his earlier points might drop off, thereby evading the full impact of his 15 points, will be prevented from doing this and the penalty will be exacted.

We also agree with the Attorney General's suggestion the police should no longer have to chase offenders endlessly, but that at the time of the issuing of licence plates, there be a sort of balancing of the books. Anybody who has any outstanding fines or offences which he has not squared up with the authorities, will not be issued plates until that is done. With the computer age, this becomes possible.

As far as alcohol-related offences are concerned, this is an extremely vexing problem and one with which the committee wrestled for a long time. On one or two occasions, I think some of the committee members did some experimentation here. Ultimately, it's social attitudes which count.

**Mr. Conway:** What was that all about? I don't believe it.



**Mr. Young:** The car is here to stay. Alcohol is also likely here to stay.

**Mr. Bounsall:** No, we will wipe that out.

**Mr. Young:** One of the members of the committee says we will wipe that out. Good luck to him.

**Mr. Conway:** So does the member for High Park-Swansea (Mr. Ziemba).

**Mr. Duksza:** Exactly. I speak for him as a member of my party.

**Mr. Young:** The member for High Park-Swansea is not here, but he is doing his best.

**Mr. Conway:** A contradiction.

**Mr. Young:** The fact is, as I pointed out before, that accident rates vary with the actual consumption of alcohol, the total consumption of alcohol in any society. It is very difficult for us to combine the two and not expect to pay the price.

What the committee did find out was that experiments have been conducted around the world, and some of them are going on right here in Ontario, in the segregation of offenders. The actual large part of the damage is being done by social drinkers who just refuse to face the fact that two or three drinks makes them dangerous on the highway, even a 0.04 blood test—and our law says 0.08—makes them dangerous. He thinks he's safe and therein lies the danger.

We have recommended that devices be worked out, and they are now known, so that the social drinker can be segregated and perhaps given a course on the danger he is running, not only to himself but to others, and that the habitual drinker, the one who just can't help himself, be weeded out and be given treatment. There is some recorded success in this field in some jurisdictions. We think that's worth doing here in the province of Ontario.

Young people are a particular problem in this field. In 1967, five per cent of the alcohol-related accidents involved young people aged 16 to 20. In 1971, we lowered the drinking age to 18. By 1973, that five per cent had become 15 per cent. By 1975, 37.5 per cent of alcohol-related accidents were among young people of 16 to 20. In other words, in those eight years the percentage has gone up from five to 37 per cent. That was a thing which rather startled the committee and I think startles all those who see those figures.

In facing that problem, we realized that not only must there be a stepped up educational process, right from the beginning of the school system, but we should be

banning, as soon as possible, the lifestyle ads which equate alcohol with good times, in our television commercials particularly, that are brainwashing, as I pointed out, our young people every time they start watching television. We also recommended that the drinking age be raised, to 19 years as Saskatchewan did a year ago, and as Maine did just recently—only Maine made it 20 instead of 19. Other jurisdictions are wrestling with this problem and are making recommendations.

We think and recommend that the breathalyser strength be brought up to date in the province of Ontario and that extra breathalysers be bought. The minister pointed out the other day that there is some problem in training people to do this job but, believe me, with a bit of money and bit of urgency, this training can be done rather quickly. The machines are available.

In addition to that, we are recommending the ALERT machine, a new device which the policeman can use himself, which shows whether the blood alcohol count is up anywhere from zero to 0.1—and it is at 0.1 that convictions generally take place. We recommend that the policeman who has that machine and who finds out that the driver is in that dangerous situation can rule him off the road, cancel his licence for 24 hours. In other words, the design of this recommendation is to prevent the accident happening.

This is already being done in Alberta, rather successfully, we think it ought to be done here. We think also that there should be a continuous re-evaluation of all the techniques that are being used in this field; because it seems that we have to have new techniques, and new devices, constantly to reinforce the old ones so that people realize the dangers that are involved.

When we looked at the vehicle, we realized that here, perhaps, was the greatest payoff in the saving of life and the cutting down on accidents. It's not easy to change human behaviour but it is easy to change the configuration of a machine.

We realized that the setting of safety standards is largely a federal matter, but Ontario does have its own representatives on the committees dealing with safety at the federal level. Our voice, particularly where we manufacture almost all the motor cars in the country, should be a strong one there and should be heard.

We believe that things like amber turn lights should be instituted and we're recommending this; that rear window defrosters ought to be installed in Ontario cars;



that bumpers be of uniform height, with soft, resilient surfaces, which don't create the kind of damage that present day bumpers are designed to create; we think that can be changed. We think, too, that a very close watch should be kept on the new, experimental safety vehicles now being developed at Calspan in Buffalo, in California and in other parts of the world.

There is some very significant work going on in the whole safety field, redesigning vehicles, particularly the small vehicles which are now coming on the assembly line. We think we ought to keep a close watch there and do a real job.

Seatbelts—we believe they should be retained and that the enforcement of their use ought to be stepped up. The seatbelts and the lower speed limit have already saved a great many lives—it looks to be around 300 or so in the province of Ontario during the past year—that, combined with perhaps other features. But we think this can be improved, because about half our people don't take the trouble to buckle up, so there should be stricter enforcement.

But along with that we are recommending that passive restraint systems be installed in all Ontario cars. The passive restraint system can be either an air bag system, which is there waiting; the sensors blow them up in one-twentyfifth of a second, and then deflate just as quickly to prevent any kind of backlash—that has saved lives—or it might be seatbelts which fasten automatically, as in the Volkswagen Rabbit, as the doors are closed. Either system, as far as we're concerned, will save a great many lives in Ontario.

We also recommend that the inspection service, which is at present doing a good job in Ontario, be stepped up. As a beginning all cars which sustain \$800 damage in an accident, should be inspected and all cars five years old or more should have an annual inspection. We think this is just a start. As the system is put in place then it might be dropped back to four, three or two years, whatever government at the time finds adequate.

School buses: We make this recommendation: We are concerned that school boards are making critical safety decisions on the basis of very limited and incomplete information. We recommend that the government gather, evaluate and disseminate information on the equipment, safety features and operation of school buses to local boards and that all vehicles under contract to school boards—that is, the smaller ones below the bus level

—and used for transportation of school children, be given a safety inspection by a licensed mechanic every six months.

[8:30]

School buses are fairly safe. Their record is good, but the committee believes that more can be done. We make a bow to local autonomy as far as the local school board is concerned; we did not feel that at this point we should begin to set mandatory safety standards at the provincial level.

As far as trucks are concerned, the committee recommended establishment of a set of regulations for the loading and operation of all trucks driving in Ontario, and that establishment of a special licence to all owners of doubles be instituted. As well, the committee recommended that the United States 121 brake standard for trucks be adopted. The brake standard, which is now in effect in the United States but not yet adopted in Canada, means that the stopping distance of trucks comes down somewhere near the stopping distance of the average motor vehicle. We believe this is an improvement which should be undertaken.

The current 65-foot length limit for trucks travelling in Ontario should be maintained, we believe. National regulations for the transportation and labelling of hazardous loads should be introduced, and Ontario's current dump truck inspection program should be extended on a phased basis to all commercial carriers.

The committee was rather handicapped because of certain events which took place. We were under rather great pressure because during the late winter it was felt an election was more or less imminent and so our work was a bit rushed. Then, when the election did take place and interrupted the job, our staff had to find work in other places. So again we were handicapped. But when the committee was reconstituted, we felt that our main job was to carry through the work we had already done and that our report should be brought together. As a result, some of the safety features of trucking were not touched, and I would hope that the government will give that careful consideration, underriding the back of trucks particularly and other features of that kind.

As far as roads are concerned, the committee felt that Ontario is doing a pretty good job—one of the best jobs, I think, of any jurisdiction anywhere. But there are things which can be done. We felt the speed limit as currently established should be maintained; one or two of our committee



members were a bit unhappy with that, but the fact is that that is our recommendation.

There is also growing use of electronics in the field of warning motorists, particularly in the wintertime, of hazardous conditions ahead. We felt that should be examined and looked into by government.

We also saw a tool that is in use in three or four places in Ontario; it's a power tool that can be used by firemen or police. It can rip a motor car apart very quickly, because of its very great mechanical perfection, and can get people out of a car quickly when they are trapped inside the vehicle. That is a matter which we think ought to have very careful consideration by governments everywhere, because with crowbars it may often take an hour, two hours or three hours to get a person out and by that time it is too late from him to be rescued alive.

One of the very important matters which we felt needs to be done is a step-up of the administrative and research program in the province. The committee concerned itself with a means of establishing a point of focus within the provincial government for road safety and ensuring that the benefits of research are fully exploited. The committee therefore recommends that a road safety coordinator be appointed to develop and coordinate the overall provincial road safety program and make recommendations to ensure that the province is kept aware of promising safety developments around the world. Certainly, research is a matter which should be undertaken centrally by the federal administration—the main research—although provinces can assist wherever they can and in their own particular jurisdictions. But it is essential that research be ongoing and intensive. That may take money but we feel it is important.

These are the recommendations which the committee made. You might ask what is going to be the cost. As I said a few minutes ago, we didn't try to cost all these recommendations. But a great many of them can be done with little or no cost and they should be undertaken almost immediately.

I might list them but I don't want to take the time to do that because others want to speak in this debate. But right now, the accident toll in the province of Ontario is costing us more than \$500 million. Medical and hospital bills, to say nothing of the suffering, the care of families of people who are maimed and killed, it's a horrendous total cost which is now being borne by this province. That must be kept in mind when we talk about the cost of implementing these recommendations. We must realize that a

10 per cent reduction in accidents would save this province at least \$50 million—and I am being conservative, if I can use that word, in this estimate.

**Mr. Bradley:** Is it all right to use that word?

**Mr. Young:** Well, perhaps what we need is a social budget. This country last year produced something like \$185 billion gross national product. That's a lot of wealth. Surely there is something there that we can put into this kind of accident prevention program in order to get out of it, on the other side, the social benefits to human life, to property, to welfare, the diminution of suffering. Perhaps we should balance these things off a little bit more.

Which ones of these are most cost-effective in our recommendations? We didn't even try to assess that. But I want to pass on something that the Swedes said to us when we were over there. They said when we started to ask them, "Don't ask us which one of these measures we are taking is going to save 10 per cent in accidents, another one five per cent and another one two per cent. Don't ask us that. We are not even interested in that. What we believe is that all these things are good. And what we are doing is putting before our people a total package. And that total package will save a lot of lives and a lot of suffering and a lot of property." And they are proving it. I think that is the attitude we ought to take. All these recommendations are good.

I urge upon this House and upon this government that it seriously look at these recommendations and the report which backs them up and that we see in legislation at the earliest possible moment these steps which can be taken and which must be taken if our social budget is going to be balanced.

In closing, I want to say a word of appreciation, as the chairman of the committee, to the members of the committee. They did an extremely effective job. They were there for almost all meetings. The attendance was very very high. Two members of the committee, William Ferrier and Phil Givens, served for most of the committee's term but were unable to complete the final few weeks for reasons which we all understand. The member for Kingston and the Islands (Mr. Norton) was also a member of our committee for a short period of time and we appreciated the input which he gave to us during his term.

**Mr. Nixon:** He is even here tonight to listen to the debate.

**Mr. Young:** I want to read to members



also a statement which I made at the beginning of the report, and I read it word for word:

"The committee highly commends the work and dedication of its staff. Alan Schwartz, brilliant counsel; Jim Fisher, a skilled consultant; Arna Crocker, tireless research assistant; and Andy Richardson, meticulous committee secretary. All worked beyond the call of duty on a project in which they all believed.

"The Ministry of Transportation and Communications, as well as other agencies of both provincial and federal governments, gave full co-operation. Their help was deeply appreciated. Harvey Mosher of the Ministry of Transportation and Communications staff was made available for full-time liaison work with the committee.

"Expert witnesses from Canada, United States and Europe gave unstintingly of their wisdom and expertise." And this I want to underline and bring to the House's attention. "Their deep concern for positive action towards greater road safety is reflected by the fact that, while they were paid out of pocket expenses, not one of them asked for consulting fees. For this generosity as well as their time and advice the committee is extremely grateful."

We have tabled a report with the Legislature. We're looking forward with great anticipation to the legislation that will emerge from this report.

**Mr. Lane:** In my role as parliamentary assistant to the Minister of Transportation and Communications (Mr. Snow) and as the member for Algoma-Manitoulin, which has suffered more than its share of automobile accidents, I am pleased to receive the report from the select committee on highway safety. The balanced and clearly presented report reflects the committee's most thorough investigations.

Highway safety is a broad issue that crosses many jurisdictional boundaries. The committee's report reflects this, touching upon many governmental responsibilities. Consultation among several responsible cabinet ministers will be required in developing detailed responses to the report. However, the final responsibility for safety on the highway system lies with the Minister of Transportation and Communications as the select committee recognizes. He will act as spokesman on the government's response to the report. He will be giving his views in the future. I was asked to convey to the House tonight the minister's regrets that he cannot be with you at this time.

Interjections.

**Mr. Lane:** I would like quickly to go through the recommendations to indicate my initial reaction and views as to the responsibilities. Since resources are limited it is necessary to approach new initiatives in order of priority.

I'll deal first with driver training. In the area of driver training there are clearly joint ministerial responsibilities. There is an inter-ministerial task force of MTC and the Ministry of Education, with broad terms of reference to develop and evaluate all facets of road user education. The task force is currently developing education materials on drinking-driving for young people. This was seen as the task force's first priority and, I think, the select committee will concur. MTC will continue its support of police agencies and schools and safety education for young road users. I believe that task force was set up early in 1976.

MTC has already begun to study the licensing of driver schools and develop up-graded personal qualifications for instructors. Better training standards for instructors and new training facilities will be taken up with the Minister of Colleges and Universities (Mr. Parrott).

We have been looking for ways to encourage training for new motorcyclists. There is now a learner's permit for motorcyclists and the ministry tried out a new, much tougher test for new riders, in co-operation with Transport Canada, this past summer.

We see driver education and road user education in general as a high priority area and will seek ways to accelerate development.

Next, we come to testing and licensing. In the testing and licensing area MTC is studying the feasibility of the first recommendation—that is, making the merit points retro-active to the time of the offence.

[8:45]

Second, the photo on the licence is already under development.

Third, the recommended probationary licence for new drivers is close to our own thinking. This recommendation will be given careful study even in preparation of the government's response. Before implementation, we will have to finalize resource implications for driver control, which may receive increased demands.

The fourth recommendation in testing and licensing suggests a medical certificate for renewal of a driver's licence after the 50th birthday. This requires study as to potential benefits and the possibility of creating substantial costs for the health care system. The practical implications of this recommendation, in terms of benefits derived, incon-



venience to the public and cost of administration, give us cause for concern.

I might add here, for the benefit of the members, that I have been 50 years old for several years. I drive 40,000 miles a year and, as a matter of fact, I have more than a million miles of safe driving to my credit. I would be a little upset if I had been asked to have a medical all these years that I have been 50. Personally, I would be a little upset with that one myself. What somebody else may have to say about it is something different.

**Mr. Mackenzie:** Talk to my grandfather.

**Mr. Lane:** That's fine.

I suggest that the fifth recommendation, eye examinations for drivers over 70, is looked upon with favour. The ministry is considering restricted licences for some older drivers for implementation at an early date.

The committee's views on testing and licensing generally seem slightly less in line with our own thinking than was the case in the previous area. We have some concerns that are not reflected in the report. As stated earlier, we have some reservations about the proposed medical certificate for drivers over age 50.

The impaired driver: There is an inter-ministerial task force comprising officials of the Ministries of Health, the Attorney General, Transportation and Communications, the Solicitor General and Education. This task force will be considering the government's response to the recommendations in this area. I believe this task force was set up in September 1977.

The last recommendation in this area stresses the importance of the evaluation of drinking-driving countermeasure programs. We cannot stress enough the need for orderly development and evaluation of programs in this area, where the stakes are high and the results so difficult to achieve.

The impaired driver is a high-priority safety area. However, it will take a great deal of work to resolve the basic social questions involved and to develop effective technologies for solving the various problems in this area.

The enforcement system: A number of recommendations on the enforcement system have practical implications for the Ministry of Transportation and Communications, but enforcement activities are the responsibility of the Solicitor General (Mr. MacBeth) and the Attorney General (Mr. McMurtry). The Minister of Transportation and Communications will delegate to these ministers

the responsibility for responding directly to these recommendations.

The automobile: The first recommendation in the automobile section is that the police should increase enforcement of the current seatbelt legislation. As stated, this is a police responsibility; however, we see increasing seatbelt use as a broader responsibility, and the government has already established a task force under MTC leadership to initiate steps to further seatbelt use.

New vehicle standards are a federal responsibility. MTC will continue to consult with and advise the responsible authorities in the development of new standards. After-market vehicle equipment is a provincial responsibility, and preventing the sale and installation of unapproved equipment will be thoroughly studied. One thing that comes under this section that is still a responsibility of the federal government is the seat for a baby. Most other kinds of that type of equipment are the responsibility of the provincial government.

The proposed provincial standards for new vehicles would represent a major departure, with serious implications for manufacturers and consumers and with questionable potential benefits. I would not see as likely provincial action on this recommendation.

We think Ontario has a very efficient inspection system for passenger cars but, in the light of the committee's recommendation, we will be re-examining the benefits and the cost of extending this program. Generally, we see the automobile as a somewhat lower priority area for provincial action. Speaking from experience—I have been in the insurance business for over 22 years. We have always insured automobiles and we have had a lot of experience with accidents and the cause of them. The little saying that goes with the business is: "It's not the nut that holds the car together, it's the nut who holds the wheel who causes the accident."

The school bus: The recommendation that the ministry provide information on school bus safety and equipment to boards is well taken. It happens in an informal way now but making the process more formal and systematic will be explored. A new and more rigorous system of inspection for school buses has been prepared and is nearly ready for implementation. This new system will meet the requirements suggested in the select committee's recommendation.

The truck: The first recommendation on trucks suggests reflective material on the rear of trucks over 18,000 pounds. We have been more concerned with the question of under-ride protection on the rear of trucks, and



this is currently being examined by ministry officials. Part of this would be a barrier underneath a truck to keep the car from going underneath it and cutting off the top of the car and driver, as has sometimes been the case in accidents.

The second and third recommendation in this area suggests the codification of the best industry safety practices for maintenance, driver control and loading of trucks. MTC has been working on regulatory improvements of this sort in the trucking industry. There is also a major research study under way on the stability of combination vehicles.

The adoption of the 121 brake standard for trucks is a complex technical issue. We will continue to consult with the responsible federal authorities.

MTC has been studying the revision of the 65-foot length limit for trucks. I note that the chairman of the select committee has indicated that he sees some flexibility in this recommendation. MTC is still developing evidence and information on which we will base the final decision. The minister will be reporting on this matter later.

The minister has been pressing the federal government to take action on the regulation of hazardous loads. In the meantime, we are moving to introduce regulations that would apply within Ontario.

We have recently made substantial improvements in the inspection system for commercial vehicles. We will look closely at the costs and benefits of the committee's recommendation to extend to all trucks the periodic inspection now carried out on dump trucks.

The road: If I may speak for a moment on behalf of the minister and ministry officials, I would like to acknowledge and express appreciation of the committee's tribute to the ministry's efforts to create a safe and efficient highway system. MTC will consider in detail the committee's recommendation on stop signs at railway grade crossings. We will be passing a recommendation on reflectorization of rail car sides to Transport Canada which has done research on grade crossing accidents recently and is the responsible agency.

The ministry has a continuous program of evaluation of new technologies in highway structures and hardware. A light, aluminum, fixed-base pole is already in use, and the ministry is looking at Swedish technology as recommended.

We are quite pleased with the effects of the reduced speed limits in the province and foresee no further changes.

The ministry will continue to monitor new means of communicating with drivers, as

suggested in the recommendation on "condition-ahead" and weather-warning devices. I might say that a speed-warning system is presently being tested on a Highway 400/401 ramp.

The committee recognizes the high quality of the Ontario road system. We believe that this is an accurate perception but we are not prepared to rest on our laurels. We will continue intensive efforts through research and development and improved management to make the highways safer and more efficient.

Administration and research: MTC has a long history of giving high priority to safety in all relevant decision-making. It has recently improved its general administrative ability through the creation of explicit guidelines and various organizational changes, and these improvements should also be reflected in safety conditions.

As the select committee suggests, co-ordination between government agencies is important and special efforts are needed to ensure that it takes place. We already have a number of interministerial task forces, co-ordinating specific safety-related projects.

As mentioned earlier, the Minister of Transportation and Communications will serve as the government spokesman on highway safety, referring special issues to his cabinet colleagues. The role of co-ordinator within the MTC will be assigned to the assistant deputy minister for drivers and vehicles, reporting directly to the deputy minister.

The recommendation that better provincial support is needed for crash rescue will be examined in depth.

Considerable federal-provincial co-operative research has been taking place on road safety. The CCMTA and the conference of ministers responsible for motor vehicle administration have taken it upon themselves to give structure and direction to this activity. These co-operative efforts will become more numerous and more fruitful in the future.

I can only agree that high priority should be given to evaluation of effectiveness of current road safety programs. Resources are scarce, needs are many. Potential benefits are as precious as life itself. We cannot make the possible allocation to resources to programs unless we know how well the programs are performing. MTC has been a leader in developing evaluation techniques, and intends to maintain this position.

The committee recognizes that good organization and systematization are crucial to effective new highway safety initiatives. I see this as the main thrust to the report, and it squares nicely with our own views. We need systematic evaluation and develop-



ment of existing programs and efficient organization for new developments.

These are fundamental to progress in highway safety. The select committee recognizes that expedient or hastily conceived programs will not give results in lives and dollars saved. Properly organized hard work will.

I would like to take this opportunity to congratulate the chairman, the member for Yorkview, and all the members of the committee and the very efficient staff of people that he mentioned. We think that this committee has produced a very good document, a document no doubt that will save many, many lives in the future. And I want to congratulate the committee on its success.

**Mr. Nixon:** I want to join with the last speaker in congratulating the member for Yorkview in his chairmanship of the committee. He never failed to be moderate in our deliberations. I can assure you, Mr. Speaker, he was convivial as always. He was, in my view, an excellent representative of this House when we met delegations both in this province and elsewhere.

**Mr. Foulds:** Is this the member for Yorkview that I know?

**Mr. Nixon:** Yes, it's the one that you know, and I have known him longer than you.

**Mr. Breithaupt:** The one and the same.

**Mr. Nixon:** As a matter of fact, the first time I met the hon. member, if you will permit me a brief digression, Mr. Speaker, was just a few weeks before a by-election to be held in the constituency then known as Brant. I was working away in the education system in Brantford and there was a light tapping on the door. I opened it, and who should be there but this distinguished grey-haired parliamentarian-to-be who gave me some very good advice. He advised me that I should go into public life. I took his advice. So, I am here and he is there. But that was the first occasion, when he was doing a little proselytizing—I was already a member of the United Church, so there wasn't much he could do to improve that.

**Mr. Lane:** You both should be here.

**Mr. Nixon:** But he has certainly been shown to be a good parliamentarian and, to come to the business of our report, he has been a vocal proponent of highway safety in this House even before it was particularly popular. Before I'd ever even heard of Ralph Nader—

[9:00]

**Mr. Foulds:** We'd heard of Fred Young.

**Mr. Nixon:** —the member for Yorkview was yammering away about safety. So it was a great pleasure to serve with him on the committee. There are a number of other members of the committee here tonight who will be expressing their views on the report and some of the aspects of it. Two or three of the members are no longer here in the House. Mr. Givens has gone on to other responsibilities.

**Mr. Cunningham:** But not as safe.

**Mr. Nixon:** At our concluding meeting, I thought it was very appropriate that the chairman asked Mr. Givens to come back and join with us as we, what you would call, wound things up. It was also appropriate that in his capacity as chairman of the police commission, he brought one of those handy-dandy breathalysers so that neither he nor any member of the committee would in any way exceed the bounds of the law. I suppose it might be something that the House should consider to provide one of those things for every member. It might give us the kind of moderation that we would hope for and keep us out of trouble from time to time.

**Mr. Breithaupt:** From time to time.

**Hon. Mr. Norton:** But not on this side.

**Mr. Hennessy:** Speak for yourself.

**Mr. Cunningham:** It would be a correctional service in itself.

**An hon. member:** The member for Fort William is having apple cider.

**Mr. Nixon:** Again? Actually, the other member that I was thinking of when I was trying to recall the members of the committee who are no longer with us, in the sense that they were members of the House, is Bill Ferrier. I understand that Bill also has, what you would call, lit on his feet and is advising Mr. Justice Hartt in his peregrinations in the north and in establishing the way the northern universe is to unfold. And from what I can gather about Mr. Hartt's procedures and concepts of his job, Mr. Ferrier probably will be able to go directly into retirement when that job is completed.

I'm not sure whether there are other members who should come under our investigations here tonight, but I did want to say something particularly about the road system and what our findings were in this review.

I must also agree with the hon. parliamentary assistant, who in his own riding is known as "Four Lane," for reasons that I have never been able to determine. I must agree with him that we have an excellent highway system. I have driven a lot on the roads of the



province and I would be immodest enough to say that I have probably driven on them more than any other politician here. Mind you, my mileage has been somewhat reduced of late, but I've been into all those lovely communities in the north, south, east and west and even some of them in the middle.

I think our road system is excellent and the safety provisions governing it are in the most part excellent as well. I've got a few pet peeves that I will get to; the members of the committee have grown quite tired of me referring to them, but I can't let this occasion go by without referring to them, however briefly.

**Mr. Bounsall:** We will have another committee so that you can air them some more.

**Mr. Conway:** Let's not talk about trips now.

**Mr. Nixon:** No, this is not the time to talk about trips. But there will be another occasion for that too, and it may come sooner rather than later.

**Mr. Breithaupt:** Sooner than you think.

**Mr. Nixon:** I was thinking of some of the innovative provisions that have been implemented in terms of safety measures on the road system of the province. One that some people have commented on, even to the committee, were the great plastic barrels of sand that you see stuck out in the roads to keep drivers from killing themselves when they run into a concrete abutment or something like that. They're rather ugly. We're perhaps used to them, but the efficiency and record of usefulness of those sand barrels is one of the most amazing things that you could ever think of. We've seen the movies in our committee hearings of the way they are used.

As a matter of fact, one of the interesting aspects is that those blooming plastic barrels of sand have been patented by somebody down in the United States, and he is busy selling them to progressive jurisdictions like this one. It just goes to show that if you have any imagination and the ability to sell, you don't really have to sit here and wait for your ship to come in. But that particular gentleman had a good idea. It's amazing that it was patentable, but we've got those barrels.

You might be interested to know, Mr. Speaker—I feel that you would—that right outside the gate of our home farm about a week ago an unfortunate young man decided he was going to use the road system to end his life. He was driving a small truck at high speed. Just a quarter of a mile from our gate, there is a railway overpass with a heavy cement abutment right in the middle of the

road, with two lanes on each side of it. It is well-protected by these sand barrels. He was going straight for the middle at the highest speed that his truck could achieve. When the sand stopped flying around and the smoke cleared away, he was almost uninjured. God forgive him, and I hope he is feeling better, but his best deliberate attempts could not allow his truck to even touch the concrete.

It really was a most amazing demonstration, even more impressive than the ones we saw on the films when we were shown these various devices.

As far as I am concerned, I want to add some congratulations to those people in the ministry who have been innovative in some of these respects. In my opinion, it is only when the politicians, and I refer to them selectively, those who are in a position to dictate to the ministry, decide to do things for reasons other than for efficiency and pure safety that I find some of our regulations are a little asinine.

Maybe quite a lot are asinine. There was a certain degree of frustration in the hearings of the committee. I am sure the other members would agree with me on that. Many of us would have preferred concepts about what was good and what was bad as far as driver safety goes.

For example, most of us were under the impression—and I can remember Mr. Givens as a member of the committee enunciating this very clearly and forcibly—that the great problem on the roads in Ontario was the number of impaired drivers and that the accident toll associated with that was heinous and sinful. Both of those adjectives, I guess, apply. It seemed all we had to do was instruct our police forces to crack down with laws and regulations which we would make as tough as any in the world.

In our investigations, however, we found that the laws of Canada and Ontario are and were as tough as any in the world, with the exception of a couple of banana republics where the penalty was death by firing squad. I am not kidding members, that is so.

**Mr. Conway:** Socialist, every one of them.

**An hon. member:** No banana republic is socialist.

**Mr. Wildman:** Firing squads all wear funny hats and they have all got red coats.

**Mr. Nixon:** The mistaken concept that most people have is that all we need is to have tough laws and that will stop the carnage on the highways.

The chairman was always talking about the carnage on the highways. It was a phrase

he used repeatedly, and I suppose properly so when you see the statistics he put before us tonight.

However, the answer is not tough laws, it is not simply enforcement. The answer really continues to escape us. It is probably all of those things, plus somehow sensitizing, through public education of every type, the concern and responsibility of the individual. Frankly, after having been involved in public life for a number of years, I am not as optimistic about the outcome of that approach as I once was.

One of the interesting aspects in another jurisdiction—I think it was one of the American states—was that a chunk of money was made available for some very interesting experimentation in this regard. The individuals who had been convicted of impaired driving were given an option of going to jail or going to a special series of sensitizing classes where they were shown the results of those accidents and were put through a very carefully constructed series of educational and sensitizing procedures. The statistical rating of this thing was really appalling, because it turned out that the ones who had been found guilty but were not punished in any way had no different accident records afterwards than the ones who went to jail.

As a matter of fact, the ones who had been treated to this elaborate modern procedure of education turned out to have a higher accident rate and more recidivism as far as impaired driving is concerned than those who had had no modern treatment at all.

It really is an appalling thing because many people—and I suppose it goes with Liberal philosophy—have always had this tremendous confidence in the education process. All you have to do is get the individual and educate him properly and these social problems will disappear. I no longer believe in that aspect, and so my Liberal philosophy has to expand in other ways, perhaps just as valuable.

**Mr. Warner:** It is always flexible.

**Mr. Conway:** Nothing wrong with the right wing.

**Mr. Foulds:** That sounds like a move left myself.

**Mr. Nixon:** No, I'm for the firing squad; on a selective basis of course. Of course we'll check their political cards before we make the decision.

**Mr. Speaker,** I don't want to deviate unduly, but I'm talking about the frustrations, not necessary in this debate but in the hearings that we undertook. The second area

had to do with driver training. Having been a teacher myself—

**Mr. Wildman:** In Sault Ste. Marie, wasn't that?

**Mr. Nixon:** —I was perhaps innocent enough to think that it would be possible to take a young person, very well motivated, anxious to get a licence, anxious to be able to get hold of his or her dad's car and go out independently on the road, and all we had to do was see that they were properly trained; that they understood the rules of the road, the dangers and so on, and that that would reduce the accident toll at least for that group.

We examined it as carefully as we could. We had the opportunity of bringing here world authorities, the people who had used great stacks of public money to undertake the most elaborate surveys, using large control groups; using groups that had had the advantage of the most modern and appropriate driver training, those that had had ordinary training, and those that had obtained licences without any training at all.

The frustrating aspect was the statistical difference could not be detected. As a matter of fact, in one of the European jurisdictions that I believe some of the members of the committee flew to during their peregrinations—

**Mr. Warner:** Were they in a plane?

**Mr. Nixon:** —I think it was Belgium—as long as you have the age credential, you simply go in, pay a fee and get a driver's licence without any instruction or any practical tests whatsoever. The results there, as far as accident were concerned, were exactly the same as in a jurisdiction such as ours, where we are quite proud of our training procedures in the high schools and where we want to strengthen the testing procedures before a licence is obtainable. So there were aspects of our investigations that were extremely frustrating.

However, I suppose even in spite of the statistical information that was made available to us, we still recommend strengthening the enforcement of the control of impaired driving and that sort of thing; and we want to change the whole procedure for training drivers and for awarding licences.

I suppose we just felt compelled to do so even though in most cases the statistical and research information did not indicate in any strong way, if indeed in any discernible way, that our recommendations were based on the kind of independent research we had at our disposal.

We had an extensive tour of the province.



We were up in the Thunder Bay area, Sault Ste. Marie—

**Mr. Foulds:** That is just the near north.

**Mr. Nixon:** —and we went to Sudbury where our meeting was well advertised. We hired a beautiful room in the Holiday Inn and we had the coffee set out and the chairman was at the head of the table and our research staff were there with pencils poised and—nobody came.

That was the only time we broke into print. The Globe and Mail had a front page story about it. So at least perhaps in some kind of a reverse way we—

**Mr. Germa:** The Holiday Inn is under boycott, I haven't been in it for five years myself; they are not unionized.

**Mr. Wildman:** They are not unionized.

**Mr. Nixon:** I don't know what building other than the Steelworkers you can go into without a picket line in front of it up there; you can't even go into the mine workers' place without offending somebody.

**Mr. Germa:** It's fame of a sort.

[9:15]

**Mr. Nixon:** In almost every one of these areas where we had hearings, I was very much impressed by the representatives of the provincial police, and municipal police forces as well. It may be that their bosses had said: "Okay, these guys are coming to town and you better go down there and tell them what you think." While we would certainly pay great attention to their formal presentation, which had been prepared in conjunction with lots of people back in headquarters, it was often just as useful, once we got that out of the way, when the questioning actually elicited some personal responses and experiences from the policemen concerned. They're out on the roads patrolling and no doubt have experienced almost anything that might occur.

This brings me to one of my pet peeves; and that has to do with the speed limit which the representative of the minister said "is satisfactory as far as the ministry is concerned and will not be changed." I'm sure that he speaks for a great majority of the people of the province of Ontario; everybody thinks it's great, but nobody obeys it.

**Ms. Gigantes:** I do.

**Mr. Conway:** The member for Carleton East says she does.

**Mr. Nixon:** Evelyn, I've often wanted to pop you one.

**Mr. Warner:** She doesn't drive.

**Mr. Nixon:** All right, the member for

Carleton East obeys the speed limit, and I think that is great.

**Mr. Warner:** She doesn't drive.

**Mr. Foulds:** My mother does.

**Mr. Nixon:** I was going to talk about little old ladies in tennis shoes, but I thought I might arouse her.

**Mr. Foulds:** It's not tennis shoes, it's mukluks.

**Mr. Nixon:** I have been very concerned that in a tremendous sort of orgy of self-righteousness we have reduced the speed limit. We expect everybody to say: My, aren't they great, because this is going to be so important to save energy and stop the carnage on the roads and so on. I just believe it is the biggest piece of hypocrisy that's come into this House for a long time, because our roads are excellent and they're built for a standard 70 miles an hour, 100 kilometres per hour. As a matter of fact, they tell me that you could go probably 130 kilometres an hour without putting too much sideways strain on your new radials.

**Mr. Germa:** Change it.

**Mr. Nixon:** I would just say this, Mr. Speaker, the roads are excellent. I've been waiting for the Treasurer (Mr. McKeough) to take the sales tax off cars, the way he did before the election of 1975; that was the last time I bought a car. I finally decided that I couldn't wait any longer and I bought a nice Chev just a few days ago; a nice piece of standard, efficient transportation. I'm telling you, it is a marvelous car, Mr. Speaker. I know you can't drive those smaller cars, but for those of us who drive standard transportation, it is a marvelous car. It's responsive, it's comfortable, it's quiet—

**Mr. Warner:** What make?

**Mr. Nixon:** Chev, I told you. I defy anybody to drive at 80-kilometres per hour on these good roads. I don't believe anybody but Evelyn does, and Evelyn has got a lot of strange propensities.

**Mr. Warner:** She doesn't have a licence.

**Mr. Nixon:** It probably is a bit of a joke, everybody can cite their own experience, one way or the other, but in my opinion there aren't one per cent of the drivers on the road who obey the speed limit. This is a serious matter for us, because the argument that, well at least they drive a little slower than they would if the speed limit were put back up to 70 miles per hour, which I guess would be about 115 kilometres or something; I just do not buy the argument. The police have said to us: "Yes, we like the lower speed limit"; but they also say: "If we're going to

enforce it we need a lot more black and white cars; a lot more radar; and we need more eyes in the sky"; that sort of thing.

If we're prepared to have these speed limits and expect them to be obeyed, then we are going to have to shovel out the money for enforcement or else accept the point that everybody in the province is ignoring the speed limit. I don't believe we can afford to enforce it the way it is, and I believe it brings our legal procedures into great disrespect.

I have stated that view frequently, but I've not been able to convert anybody on the committee particularly; and I always get bad letters if anybody reads my views, because they think it is such a good thing to have low speed limits—as long as they can drive any speed they want.

**Hon. Mr. Norton:** Is that how you got the name "Fast Bob"?

**Mr. Nixon:** No.

**Mr. Bradley:** It's "Fast Alan", not Fast Bob.

**Mr. Conway:** What about the member for Cochrane South (Mr. Pope)? He's got a story to tell on this one.

**Mr. Nixon:** The Solicitor General (Mr. MacBeth) admitted in the House here that he's been known to go at least two-miles-per-hour over the speed limit. I don't know whether this was with his government driver in his government limousine or not.

**Mr. Breithaupt:** Or on government business.

**Mr. Nixon:** Anyway, I have made the point as strongly as I can. I'd simply like to tell you, Mr. Speaker, that other jurisdictions had reduced the speed limit at the time of the energy crisis when they couldn't get the fuel to maintain their national needs—I'm thinking particularly of the United Kingdom—Then when the fuel supply increased again, at least they had the good sense to put the speed limit back to where it was a practicable one and one which people could obey, or at least realize that enforcement was practical and significant, an enforcement level that could be supported by everyone. Right now I believe that is just a shambles and a farce in this province.

The last point I want to refer to is the seatbelt situation. I have now trained myself that I feel uncomfortable driving unless I have the seatbelt fastened. I've never been stopped by a policeman and I have never been fined. I do believe it is a good law and that the statistics associated with it must surely counteract any criticism that we still get.

**Mr. Conway:** Yet another honest Grit.

**Mr. Wildman:** What about Bob Johnston?

**Hon. Mr. Timbrell:** What about that day you happened to be sitting on the QEW in that car? What the devil were you doing out there anyway in a red Camero?

**Mr. Nixon:** Anyway, I know you want to get on with this without too much more delay, Mr. Speaker, since there are many other members who want to take part.

One interesting aspect with respect to this part on protection, which I think is the best way to save lives and really the only significant way to save lives, has been our review of the air bag situation. The chairman of the committee, who spoke a few moments ago, dealt with that point effectively. I expect the car I buy after this one—I like to keep them a long time and take all the depreciation I can before I trade them in—will have an air bag in it, whether or not I want one.

**Hon. Mr. Timbrell:** The question is whether it will have to fit or be installed.

**Mr. Foulds:** Will the Minister of Health fit in the front or the back?

**Mr. Nixon:** I was present at probably the only demonstration of air bags that's taken place in Canada.

**Mr. Warner:** We are watching one now.

**Mr. Breithaupt:** Since the last election.

**Mr. Conway:** And what did the Minister without Portfolio (Mr. Henderson) say?

**Mr. Deputy Speaker:** Order, please.

**Mr. Nixon:** I understand there was a demonstration of the air bag system in Toronto recently, but it was low pressure and was not the demonstration we had at GM headquarters. I want to tell you, Mr. Speaker, I never had so much respect for our chairman as I did when they said, "Okay, whose going to sit in front?" We all hemmed and hawed, and the member for Yorkview came forward and said, "I'll sit in front."

**Mr. Breithaupt:** That's what \$10 a day will do.

**Mr. Nixon:** The six of us got in this nice little car, a small Buick. Nobody down there at GM had ever seen this blooming thing work before. They were hanging out the windows to see this. All the engineers and the big brass had come over in the company plane from Detroit. They were all standing around and here were these six—shall I say innocent members of the Legislature—packed in this junior-sized Buick.

The engineer was out there with a big red button. We all had to put on safety glasses. We should have twigged at that point. The engineer said, "Are you ready?" He pushed



the button; and boy, does that thing work. It was like a shotgun going off in a telephone booth. That was the way it was officially described.

I will tell you, it was a bit scary; particularly when blood started running down the chairman's cheek. The air bag pushed his safety glasses up against his cheek. I don't think he had to have stitches, but he was certainly injured in the course of his duty and his responsibility.

However, if the GM people hadn't been so careful with their safety glasses and so on, the only injuries would have been a couple of skinned shins from—who was it? Was it you?

**Mr. Bounsall:** The vice-chairman.

**Mr. Nixon:** Oh yes, the member for Mississauga South (Mr. Kennedy). He had the skin shucked off his shins because of some malfunction or other. But none of us were injured by the impact of the accident, mostly because the car was not moving.

However, we were very impressed with the mechanics of the air bag. We had gone to the research centre at Detroit. We had seen it working. We had been subjected to the arguments from the administration of the big three motor companies about how terrible the air bag system was, but we had also been subjected to the contagious enthusiasm of the scientists who developed it and who were not prepared to sit around and listen to anybody, even their bosses, say the air bag was unreliable and ineffective.

Frankly, I was convinced of its reliability and effectiveness. I suppose since it's going to be mandated in the United States, it also will be mandated here. We will probably be driving with that kind of protection, and I believe it will give as large a reduction in highway deaths and injuries as our seatbelt law has up until now.

In this review I want to say that although a couple of times I was on the verge of thinking the review was not entirely worthwhile, I now believe it was. We are in a position to take some steps and make some changes in the province which will continue this jurisdiction in its position of leadership.

The point the chairman made as far as the numbers of deaths and injuries means this is still an appalling source of injury and death in this province. We in this House have a tremendous responsibility to do everything within our power to see this death and injury rate is reduced.

**Mr. Mackenzie:** I will make my comments fairly short tonight, but there are a few points I want to make. I want to join with

the others in offering my congratulations to the chairman of the committee, I think the accolades are well deserved. The member for Yorkview has been raising the issue of automobile safety in this House for a long time and I suppose in his own way—he probably wouldn't like the comparison—he has been our Ralph Nader of the automobile safety field and really was at it long before we heard of Ralph Nader down in the United States.

We have had a couple of people who pioneered in this area. I can't help but think of the fight on hazardous substances in environmental matters we saw undertaken by Fred Burr, who has now left us in this House. They have both been a little bit ahead of their time and willing to break some new ground in these particular areas.

I found the committee informative and rewarding. I have to tell you, Mr. Speaker, I have more reservations now. I may feel a little more negative now, and some of it has to do with the preliminary report of the minister I listened to tonight. My position probably is the reverse of the member for Brant-Oxford Norfolk (Mr. Nixon). I went into it feeling we had the opportunity to do some really important things, and one or two of the reasons I felt this way was that early in the game we knew what it was costing us in the province of Ontario. We knew we were dealing with half a billion dollars in direct losses to this province; we knew we were dealing with 1,800 or 1,500 deaths; and tens of thousands of injuries. Actually it was very difficult; you could put a pretty good price tag on it in terms of the actual costs, but you were never sure of how high it might go in terms of all the social costs as well.

[9:30]

When we took a look at the problem we faced, and the necessity of reducing the accidents and injuries on the highways of this province, I was impressed. Maybe I was a little naive, but I was impressed with the idea that if we could only get some of the recommendations through, and if we are only dealing in five, 10 or 15 per cent reduction in the problems in the province of Ontario, a 10 per cent reduction is \$50 million.

Surely if we can come up with a decent report and some positive recommendations, and recommendations that are not likely to be too costly—the suggestion of cost seems to scare governments today—we have a chance of making some meaningful impact on the problems on our highways.



I thought it was worth the efforts for these reasons.

Two or three individual points in the report should be dealt with. I don't think the inspections of the vehicles are necessarily one of the key points. I think the automobile manufacturers, while I may have other differences with them, do know how to make a pretty good car in North America. I think there have been improvements in the standards and in the safety of the automobiles in our province and in our country today.

I was impressed with one of the things that came out very clearly in Sweden. I am wondering if we sometimes forget some of the spinoff costs. They have an annual inspection in Sweden, and while costs seem to be one of the arguments given for not getting into it in this country, it is really not a major cost. It is being covered and it is not a drain on the taxpayers in that particular country.

One of the things I found interesting, apart from keeping the cars up to standard, was that since they had instituted the annual inspection of automobiles in Sweden the average life of the cars on the road in Sweden had increased from 10 to 14 years. We are still at about nine and a half years in this particular province. It might be worth taking a look at the cost savings if the people were able to keep their automobiles running that much longer.

**Mr. Nixon:** I think if we all drove Volvos we probably would have the same results.

**Mr. Mackenzie:** It seemed to be one of the things that may be we could learn a little bit about. Maybe there are savings over and above what you could see immediately, but I think the five years are a step in the right direction, and I am hoping that it is reduced progressively from that point.

**Mr. Wildman:** You are becoming progressively more conservative.

**Mr. Mackenzie:** One of the things that became very obvious—and the chairman of the committee dealt with it at some length, and so did the member for Brant-Oxford-Norfolk—was the fact that there are some problems with the training we have, the standards I guess and whether or not the training programs for young drivers or new drivers are achieving any results. If there was one common thread through all of the recommendations made to us, even where they had made these massive studies referred to, it was that a short-coming in most of the driver training schemes is the emphasis on safe driving, defensive driving. Certainly I think we can set some standards and work

at a much greater awareness of just what may be involved.

Another thing that I found interesting—and I think this is one of the important recommendations—is effect of the probationary licence period over two years. We found that the high accident rates weren't entirely with the young drivers—although there is a bad rate there, and when you combine it with alcohol there is no question we have a problem—but we found the graph showed that there was about a three-year period before you get down to the average in terms of your safety record in driving.

We found that that unsafe period applied to new drivers at any age, as well as to younger drivers. It may have been a little more pronounced in younger drivers, but first-time drivers had a period of time in which they had a higher accident rate across the board.

It seems to me that ties in with the kind of habits we develop, the kind of training that we may give people and the perception of responsibility. I think social responsibility is a word that is valid in terms of what we do on our highways, because social costs certainly are a major problem.

If we make new drivers, either young drivers or the older drivers but first-time drivers, earn that licence—and that's the intent, it's not really a very major recommendation—but if we can make them earn that licence through a longer probationary period, we may start to develop an understanding that they have a responsibility to the community; they have a responsibility to develop more cautious and safer driving habits.

It is also important that driver instructors, as part of this package, have to receive the training and have to be recognized not as anybody who can pay a small fee, hang up a shingle and become a driving instructor, but as an important and legitimate trade in our province. The training should be to that end. The position of a driving instructor should carry some prestige with it and should be a recognized occupation.

Regarding enforcement and penalties, I have some agreement with the previous speaker that tough laws and tough enforcement are not necessarily the answer, but I would have a little more respect for his presentation if he had recognized, rather than riding his one hobby-horse—the speed limit—one of the things that was said to work by every jurisdiction we visited; seat belts, yes, but also the lower speed limits. It does have an effect.

Sure, our highways may be built to allow high-speed travel, but I suggest that may



have been before we had some of the congestion we've got on our highways today. I really can't see the validity, even on the stretch from here to Hamilton or here to Brantford, of the speeds we had previously when you take a look even late at night at the kind of traffic on that particular road.

If you're going to have accidents at a 70- or 80-mile-an-hour rate, there's a heck of a lot we can do to prevent injuries and deaths. I think the lower speed limits are legitimate. The information, the figures and the background material are there to indicate clearly it is a saving factor. I might buy the previous speaker's argument that tougher laws or tougher enforcement are not the answer if he had also at least taken a look at that issue. If he can buy seatbelts, I can't understand why he is in such a hurry. I didn't know he admired "Flying Phil" Gagliardi in BC so much.

**Mr. Nixon:** I don't speed.

**Mr. Conway:** I'm sure the member for Hamilton East drives back to the cottage at 50 miles an hour.

**Mr. Mackenzie:** No, I have to be very honest, I don't. But, let me tell the members what I do. Maybe it's a weak argument, but I think it's a valid point. I think what has happened with the speed limit is exactly what the police told us would happen—while people aren't obeying it to the mile that they're supposed to, it has generally meant a reduction.

One of the problems is that they don't have enough people to do the necessary enforcing. We probably don't want to spend that kind of money in that particular area in any event. But when the speed limit was 70, people were not usually charged until they got up to about 80. There seems to be an eight- or nine-mile override that's allowed. When they reduced it to 60, then drivers went 69. Sure, they may not have been obeying the law, but there was a lowering generally of the speed limits across the province, and I think that's had some real effect. It has certainly shown in the jurisdictions in Europe, as well as here, where we questioned them about it.

**Mr. Laughren:** Unless you are on the federal RCMP list.

**Mr. Mackenzie:** I don't know how we do this particularly, but in terms of the suggestions for tougher enforcement or tougher laws, it's the perception of being caught.

One of the things I found fascinating on the committee—and in the first stages it seemed to shock most of the committee members—was the number of unlicensed

drivers. What do you do with somebody when he has broken the law, when he's been caught once or twice, when he has finally had his licence taken away from him, and he continues driving? I was shocked to hear from the ministry people that there are as many as 50,000 or 60,000 people driving in this province without a licence in any given year.

I'm not sure that that's accurate. One of the things that seemed to come through in that area was that nobody could prove there was a higher accident rate. In fact, there was probably a lower accident rate among those people driving without a licence. I can only project my own feeling and that's, once again, having broken the law to that extent, I understand the perception of possibly being caught, thus the extra-cautious driving that went on with these people may have been one of the reasons why we couldn't prove there was a tremendous number of accidents in this group of people.

The perception of being caught is a problem, and I think there are some valuable tools and valuable recommendations in the committee report. We asked for things such as some of the cameras that are being tried in some of the European jurisdictions. We're not trying to do this on every highway or even in a small percentage of them across the province, but if you have high-speed, high-accident highways the idea of a camera that is triggered by the speed of the car and takes a picture of the licence plate of the car, plus recording the time and the actual speed, is something that would probably have the same effects in this province that it seems to be having in Germany and Switzerland—that is a substantial reduction, as much as 60 or 70 per cent, in the problems occurring where they are using this particular gimmick.

I don't know what one does with the police complaint that to carry out the enforcement we would need more black and white units or more of the various tools. We may or may not have been wrong in attempting to toughen up the penalties a little bit, but it is a problem that I could not come to grips with, and I don't really think the committee came to grips with it. How do you relate or compare the costs?

While I think these points are important, the point I want to end with is that when I started out on this committee I had the feeling we might really be able to do something. We might save some money, save lives and have some effect on the social costs in our province. I was of the feeling—maybe, as a new member, a bit naively—that because



we were able to come up with recommendations that we could all agree with and support, these recommendations would be accepted and passed by the House—at least a good chunk of them. Maybe then we could realistically look at the five or 10 or 15 per cent reduction in the cost of accidents across the province.

I have to tell you, Mr. Speaker, that it may be just my initial reaction or a growing, disturbing gut reaction I am having, but I listened very carefully to the preliminary response from the minister, as delivered by his parliamentary assistant and I get the feeling that again we are going to study to death all the things that we covered in the committee, and that very few of the recommendations are going to see the light of day in the immediate future.

**Mr. Foulds:** Postponed, postponed.

**Mr. Mackenzie:** I don't think the committee was an expensive one, I think that what we did—

**Mr. Laughren:** Look at the Tories over there. John Rhodes is sleeping.

**Mr. Mackenzie:** —and learned was valuable. I think the recommendations are good and the possibility is there of some substantial savings. But I get the distinct feeling that the \$300,000 or whatever the committee cost this Legislature will be wasted. Looking at the potential savings—even if it is only one or two per cent against that \$500 million a year cost—those recommendations are not going to see the light of day. Then we really will have wasted that money and that would be a tragedy.

I hope I am wrong; I sincerely hope I am wrong. But I don't have a good feeling right now about how much of this report is going to be enacted into legislation. If that should be the case, then I say the government of this province is going to have to do a little bit of answering, in my opinion, for its lack of action. I hope I am wrong.

**An hon. member:** John Rhodes is asleep.

**Mr. Mackenzie:** The recommendations in this report were largely unanimous. I hope this government will move on these recommendations, and that we see some of the savings that we understand can be made.

**Mr. Laughren:** May I take John Rhodes' pulse?

**Mr. Johnson:** Mr. Speaker, it is with some sense of personal satisfaction that I join this debate on the report of the select committee on highway safety. I was privileged to serve on this committee and, therefore, shared in the shaping of the recommendations to the

government and to the Ministry of Transportation and Communications.

**Some hon. members:** I hope so.

**Mr. Johnson:** I truly hope the member for Hamilton East is not correct in his gut feeling, and that this report does see the light of day.

Interjections.

**Mr. Deputy Speaker:** Order.

**Mr. Johnson:** I might just add as a comment that I think possibly we should mail a copy of Hansard to the OPP detachment in the Brant-Oxford-Norfolk area.

It is not my intention to go into the recommendations in detail. I realize other members will have discussed some of the recommendations that I am going to talk to them about, but I would like to elaborate on a few. I urge all the members of this House to give serious consideration to all of the recommendations.

I would be remiss if I did not pay tribute to our chairman, the member for Yorkview (Mr. Young) and the committee staff for their interest in this excellent report. Also, I would like to compliment the Ministry of Transportation and Communications for its total co-operation and support.

**Mr. Foulds:** How about the minister? He has to implement it.

**Mr. Laughren:** Don't forget the member for Fort William (Mr. Hennessy).

[9:45]

**Mr. Johnson:** I realize there may be some opposition to a few of these recommendations such as the one requiring licensee's photographs to be imprinted on the licence. Some may feel this is one more example of a necessary government intervention in the lives of private citizens. I agree with those who believe government should keep out of that area as much as possible. But, in looking at this particular recommendation, I think it is necessary to balance the public good against what I believe is, in this case, a meaningless interpretation of freedom. Such a step might cause some inconvenience but inconvenience is a far cry from infringing on individual freedom.

Our courts and our police forces are all too aware of the number of drivers who continue driving after their license has been suspended, simply by using someone else's licence. Such a situation is intolerable and could be averted if this recommendation is implemented. By the way, I feel this photograph should be coloured.

For the same reason, I supported the committee's recommendation that drivers be re-



quired to have a physician's statement certifying they are physically fit to drive and that such a certificate be required every three years after a person reaches 50. Sorry, but the member for Algoma-Manitoulin will have to take his physical.

**Mr. Lane:** Who are you kidding?

**Mr. Johnson:** It is a well-documented fact that our physical capabilities are affected adversely as we grow older. The process varies considerably from individual to individual. What this recommendation does is recognize that fact and provide protection for both the driver and all others who use the highway.

The requirement that eyesight be tested yearly after the age of 70 is based on the same premise. Surely no intelligent person would advocate licensing people who are physically unfit to drive. The only criterion for receiving the certificate is a doctor's opinion that the individual is not a potential menace on the highway. I would submit that such a requirement is both reasonable and responsible.

I would like to deal with the matter of impaired drivers. I would suggest the record speaks for itself. In Ontario in 1975, alcohol was a major factor in 12 per cent of property damage, 19 per cent of all non-fatal injuries, 26.5 per cent of all fatal accidents and over 50 per cent of all drivers deaths.

This is a very serious problem and the committee has made several recommendations dealing with it. I would like to focus on one in particular and that is the one asking the government to raise the legal drinking age to 19. This tends to be an emotional issue for many people, most of whom wave the dual arguments that if a young person can go to war, or if he or she can vote, they should therefore also be allowed to drink. I would suggest that those who advance such a case reveal both a shallowness of thought and a lack of reasoning ability.

I would agree that a young person serving in the armed forces is exposed to responsibilities and discipline that should be recognized by having increased privileges open to him. I would also agree that those who serve in battle are similarly entitled to all the privileges open to adults. However, we do not have compulsory military service in Canada, and this nation has not taken part in war in 32 years. So I would suggest that using those examples to justify allowing 18-year olds the right to drink is a staggering example of faulty logic.

**Mr. Conway:** Yours is the double standard.

**Mr. Johnson:** There is also a substantial difference between having the right to vote and the right to drink. Through advertising,

motion pictures and television, our society has created a glamorous lifestyle image around the use of alcohol. To many people it is synonymous with good times and becoming an adult. Those are goals for which most young people are striving. The teenage years are not easy years and perhaps at no other time are we so susceptible to peer pressure to conform, to go along with the rest of the group. We can do no harm by having these young people wait one more year before they begin dealing with alcohol and there's every chance we might do some good.

I would suggest there is no similarity between this situation and the process of voting. Casting a vote in an election represents a responsibility, an opportunity which will hopefully develop an interest in politics and eventually lead to youth participation in government.

**Mr. Conway:** Let's raise the drinking age to 77.

**Mr. Johnson:** It does not involve peer pressure and it does not occur every weekend. One cannot equate the two. It should also be noted many teenagers themselves want to see a change in this law and that should surely indicate such a step has merit.

Our highways are well constructed, our police forces on all levels including the RCMP are efficient, but neither factor will do much good if we fail to provide adequate laws to ensure highway safety. If a madman kills a dozen people and remains at large, citizens are terrified and demand action. A typical example would be the Son of Sam in New York city this past summer. If we have an outbreak of a contagious disease and a hundred people die, society panics and again demands action. But here we have a killer that in 1976 wiped out over 1,500 people, injuring another 83,000, and many of us treat it with apathy, indeed accept it as inevitable. How, in the name of reason, can we accept anything so destructive? Accidents on the roads are the leading cause of deaths of our young people. More than 700 of last year's victims were under 25. One week ago tonight, in my riding in the town of Bolton, six young people were involved in a car accident—three died and three others were seriously injured. The same night, near London, two cars collided—four people died and one was seriously injured. Seven fatalities in one night. How many will die this weekend?

Accidents on the roads are the fourth leading killer in the province. I submit to the hon. members of this House this committee has presented them with a good report. Accept it or amend it, but for heaven's sake take action now.



**Mr. Conway:** Bounsall for leader.

**Mr. Bounsall:** As a member of this highway safety committee, I must admit how much I enjoyed the work and the pleasure I felt in listening to and talking with the expert witnesses who came before us so often here in Toronto and whom we travelled to see—all persons very dedicated to reducing highway injuries and highway fatalities, each in their separate way. It was also a great pleasure to serve on a committee chaired by the member for Yorkview who, for all his legislative life in this Legislature, has worked so hard in this area to ensure there be stiffer regulations with respect to automobiles and vehicles on our highways. He is a fine person to work with, because of his dedication and interest in the preparation of this report.

In looking over the work of the committee in our report, three of the four items which we recommended in our interim report of November, 1976 are already in place. For example, the moped helmet requirement. We experimented with handing out a publication at the time of the 1977 licence renewal, indicating just how tough our drinking-driving laws were in Ontario. An information card was given to all those renewing their licences, because we found most people didn't realize, and certainly most members of the committee didn't realize when we first got on the committee, just how tough our laws were as the result of some recent changes in 1976.

Unfortunately, that experiment didn't work too well. It was a very good, informative card. Unfortunately, they weren't handed out with a great degree of enthusiasm by the persons within our licence branch out there across Ontario. They were there on the counter in most instances and most people didn't read them. I still think it was a good attempt to educate the people of Ontario and that we should try to continue in some form to do so.

Also, we implemented the system of classified drivers' licences tied to the weight, size of vehicle and so forth. That's been implemented and we had recommended that. There is one left, however, and I can't quite see why we're taking so long to implement it.

In order to reduce car theft and often joyriding by juveniles, we've recommended that the government bring in legislation imposing a stiff penalty for leaving keys in the ignitions of our cars or vehicles when unattended. I realize this isn't the sole prerogative of the Ministry of Transportation and Communications. This is probably legislation in another ministry. Perhaps that is the reason we haven't had it before us for debate yet.

I would certainly urge the ministry not to drag their feet any further in seeing that that comes forward.

I regret that there were a couple of areas that the committee did not have time to investigate in our terms of reference. Equipment standards for tow trucks was one. We never even had time to make a start at the investigation in this area. The other was the operation of multiple vehicle combinations. The problem there was we could never come up with a final recommendation because of conflicting evidence which we were receiving. The evidence we were getting from Alberta, from California, from the Netherlands and to a certain extent from England was not in complete agreement. I regret that we couldn't come to any conclusions.

Since we had that information presented to us a year ago now and during the winter, further studies have taken place. There have been further tests in Alberta and California which may well have resolved some of the unanswered questions in our minds at that time. I regret that after having gone this far in investigating vehicle combinations that the committee cannot meet again this January or February, review the results of those experiments and come to some more definitive conclusions which, I believe, are soon going to be there for the making.

Also, there were other areas which we would have liked to investigate but simply did not have time for. There were various presentations at public meetings relating to the effectiveness of bikeways as a replacement for some of our vehicle traffic upon our roads and how that tied in with the excellent system of bikeways for mopeds and motorcycles in Holland. I would have liked to have investigated that whole area more and to have been able to make some recommendations. It was an area which we really couldn't get into.

One thing which our committee found, right from the very start, when we got talking to people from other jurisdictions, was that we've already done in Ontario the two main things which would most help to reduce accidents and fatalities. Those were the lowering of the speed limits and the compulsory wearing of seatbelts. Various people who came before us said, "You've already done it. These are two major steps." These were primarily people from the States. They said, "We wish we were able to achieve in our state what you have done already."

[10:00]

This, of course, left one of the main areas of great concern still wide open to us; that



is the drinking and driving which occurs in the province of Ontario. The more we delved into that, the more we found there was no easy answer to that problem either.

One other thing I might mention at this time. When we talked to experts from other jurisdictions it became clear that this was the area which they were proposing we had to work in.

They then said another thing to us: "You, in Ontario, have the Addiction Research Foundation which does excellent work and does excellent studies." And some of them said to us, "We wish we had an equivalent body in our jurisdiction that could give advice and provide research data on the whole drinking problem. Of course, any drinking problem relates to the drinking-driving problem." So we found out that in Ontario we do have some major advantages over other areas.

Certainly, what became clear to us all right at the start was the excellent job which the Ministry of Transportation and Communications has done over the years on the engineering side in Ontario—the actual highway design, the actual engineering innovations in our highways. The highways themselves are safe in Ontario. It's the other areas that we have to look at.

In the area of driver education, it was quite clear that we really have no evidence that it does any good at all, and our focus in our report was on the training of the instructors in driver education—so they could put a greater emphasis on safety in their programs, in their instruction, and that courses be offered in our community college to train those instructors.

We had a lot of dissatisfaction from private driving schools around the country about having to come down and take a two-week course in Toronto from the Ontario Safety League—only to find that the Ontario Safety League said: "Look, we do this. We know it is inadequate. Come and give us a hand in doing it. Take it over. Let's give some real non-Mickey Mouse training to our driving instructors in Ontario.

"We are certainly not fighting any recommendation that those courses should be centred in our community colleges, and made more readily available to the people in Ontario who wish to take courses to allow them to become much better instructors."

If you look at the whole report, there are areas which stand out and interest each member more than other areas. I feel that one of the major recommendations is in the testing and licensing area. The one that stands out is the probationary licence—this two-year proba-

tionary licence for all beginner drivers irrespective of age.

It's really an early intervention system. From, I believe, the state of North Carolina, came very conclusive evidence that if one could intervene early on in someone's driving behaviour one stood a fair chance of being able to adjust that behaviour. And this is a recommendation which follows from that psychological study, the behavioural study which indicated that behaviour could be changed.

How do you do it? You must try and do it early. The warning letter system, where the warning letter comes at three points rather than six; the personal interview at six points rather than nine. And at nine points a new concept comes in for the probationer—he takes a driver-improvement course, one which is not there in the regular demerit point system for other drivers. His three-month suspension would begin at 12 points rather than 15 with possible extension of that probationary system.

I think that's a very attractive system. If the psychological and behavioural studies are correct, this early-intervention system stands some fair chance of having some effect upon the driving behaviour of our young drivers, if we intervene and try and change their driving behaviour quite early on after they are allowed behind the wheel. My only problem with that whole probationary licence system is that it is only a two-year probationary licence. I would have preferred to see it a three-year probationary licence, since it is only an early intervention concept anyway.

From that same section, a point which caused a lot of discussion in our committee from time to time, was that for all drivers when found guilty of an offence, demerit points would accumulate from the date of the offence rather than the date of the conviction. We were told at various times that what happens is that someone gets 12 or 13 points under our current system, the point where another offence would put them over the 15 points. At this point they will delay their court proceedings until further points have dropped off at the other end in the two-year period. So they can then go ahead and be convicted and get points dating from conviction at the moment and still be under the 15. I think this will certainly relieve the courts of delays for charges which would involve demerit points, as a result of back-dating it, whenever it is heard, to the time of the offence itself. If that results in suspension, even if that suspension takes place sometime later, it is a very good step forward.

In the alcohol and drinking-driving section, I am very certain that the banning of life-



style advertising is a significant recommendation of the committee. Also, the one there that is of very great interest to me—a very early intervention, an on the spot penalty, which has been proved from behaviour studies in North Carolina and Oregon, I believe. That is the 24-hour suspension, if the blood alcohol level is between 50 and 100 milligrams per 100 millilitre. It stands to be effective because it is immediate, it is on the spot—it gets the driver off the road immediately when he is found with that level of alcohol in his bloodstream. It is much more effective psychologically as a tool for achieving our end, of causing people to not drive if they have been drinking, by the immediacy of the penalty. And it is a penalty which would not appear on their driving record. It is one which I would highly recommend to the ministry to see that this is carried out, using the new ALERT devices which have been developed for this purpose.

It is quite interesting to see that in the report from the parliamentary assistant indicating the ministry's response to our final report of the committee, the sort of conditions-ahead warning systems Fred Burr suggested has met with some favour and the ministry will be continuing to work on this system. I remember when the former member for Windsor-Riverside first proposed it way back in the fall of 1971. Our committee considered it, we recommended it, and I am glad to see that the ministry is considering it.

There are also various areas of the committee's work which appeal more than others and in which we have our pet peeves. I almost wrote a dissent to one recommendation in the area of vehicles, in what is in our purview to recommend in the vehicle area. I'm speaking of where we recommend that the Ontario government support the introduction of amber turn signals on all cars sold in Canada, and of course in Ontario. I support that recommendation, but as members of the committee know, one of my pet irritations as a driver on the road is the amount of signalling which is not done. Nothing frustrates me more or gets me angrier or makes me a less cool driver than to be piled up, waiting at a stoplight and then to have the car ahead of you signal after the light changes. I would like to have seen a recommendation in the report that there would be some penalties imposed and enforced on those people who create needless backups behind them by not signalling their intentions well in advance, as they are re-

quired to do in the state of California, penalties being imposed if they don't.

Having felt rather strongly that that should occur and since it is not in our report, I therefore can't get all that excited if we're going to make our turn signals amber when so many people in the province of Ontario don't pay much attention to the proper use of their turn signals. When they do, the amber light is certainly a step forward in contrast to the red.

Throughout the whole report I was interested in the arguments about seatbelts versus passive restraint systems. I was quite interested in the way in which the United States is going, where they're tending to recommend, in the very near future, that either the air bag or the wrap-around seatbelt, which wraps around you when you get in the car so you just have to buckle it up, should be mandated.

I was certainly interested in being in the back seat as one of the six members in the car in which the air bag was tested at the GM location in Oshawa. Most of the members at that time were tending to support strongly the recommendation about passive restraints in combination with seatbelts. When the bag went off and our chairman suffered a cut on his chin, I believe it was, when his safety glasses were knocked down to that location, and the vice-chairman suffered two bruised shins as a result of the panelling containing the air bag on the passenger side coming down rather sharply upon his shins, I could envisage any possibility of a positive recommendation in this area being wiped out. It's a credit to both our chairman and our vice-chairman that, in spite of that experience, we have the recommendation in our report.

I want to say again that it was a great pleasure for me to serve on a committee that had a chairman so dedicated to his job as the member for Yorkview. I must admit as well that the other staff on the committee all worked very enthusiastically and very hard—Allan Schwartz, our counsel; his consultant, James Fisher; the research co-ordinator, Arna Crocker; and the representative of the Ministry of Transportation and Communications, Harvey Mosher. All the members of the committee enjoyed Mr. Mosher's input from time to time in the committee and his great willingness to check back very quickly with any of the small points we asked him to check with in the ministry.

Of course, the clerk of the committee, Andrew Richardson, did a very capable job, as always, of seeing that we were in the



right places at the right times and properly set up.

Mr. Warner: Poor choice of words.

Mr. Nixon: Do you want to run through that one more time?

Mr. Bounsall: No, that's fine right there. I'm not going to revise that at all.

Mr. Warner: How were you set up?

Mr. Bounsall: I just would say to the ministry, I was a little bit concerned, as was the member for Hamilton East (Mr. MacKenzie), with the slight negativeness in the initial reply by the ministry. We don't expect him to believe in all of the report, let's say, but he appeared to be not all that interested in it as much as we on the committee would have thought the ministry would be. We hope this is simply an impression, that this is not really the truth of the matter and that most of these recommendations will find their way into legislation.

[10:15]

On the committee we all felt that no one, or two, or three, or four or a dozen of these recommendations taken and implemented would be, by themselves, all that useful. We have here a package of 52 recommendations. Not one of them was the answer, not even six or seven taken in concert, were the answer. But if all were put together and implemented it would result in a package that would result in attitude changes in Ontario which could materially increase highway safety and reduce the accidents and the fatalities. So to pick and choose a few and not really seriously attempt to implement most of them, we on the committee feel would be a serious mistake. It would reduce the effectiveness of the steps which are taken.

I urge the ministry to do its best to implement each and every one of these recommendations.

Mr. Jones: I am happy to have the opportunity this evening to join in the debate on the recommendations of the highway safety select committee. I would like to add my appreciation to the member for Yorkview for the excellent job that he did as our chairman, and I say that most sincerely. I also thank the vice-chairman, the member for Mississauga South and the very excellent staff that served all of the members.

It has been said before, but what has been discussed tonight are the most serious deliberations over the past few months on this subject. I would be remiss if I did not touch on one of the sections of the report considered by the members of the committee to be probably the most serious factor: namely alcohol.

It has been touched on by earlier speakers this evening that it is the largest single killer of our young people in this province. That, indeed, has to be startling to all members of this House and requires some very sober reflection.

I have had an opportunity in the past to deal with this particular aspect of the report. I consider it to be one of the most serious facing our young people, as I have the opportunity to deal with many of their concerns.

This issue of alcohol and the fact that it is so deeply implanted in our society is, I suppose, something that was underscored to us as never before in our recent deliberations in the compiling of this report. We see it in terms of social consequence. We saw it in terms of dollars and cents as we looked at the tremendous cost in hospital occupancy, and all the other effects of it.

The previous speaker mentioned how we were considered by a lot of other jurisdictions to be fortunate to have an agency such as the Addiction Research Foundation to supply us with a constant monitoring of drugs and alcohol and the consequences thereof. I know it has been popular with certain members of the press to somehow attempt to discredit this particular agency. It was of comfort for us in Ontario to hear these people from different jurisdictions, with equal expertise, say that ARF was looked upon as one of the best-recognized internationally.

The ARF report is contained in our report. ARF estimated that no less than 16 per cent of all the suicides in this province and something like 10.6 per cent of all the homicides are directly attributable to alcoholism. We also saw that alcohol was involved in 50 per cent of manslaughter cases, 30 per cent of rape cases and 61 per cent of all assault cases. I mention this as I speak to the select committee on highway safety because the committee members found that it was impossible to divorce these other social problems of our times and all their consequences from the overall alcohol as we looked at it in the context of driving and drinking and the abuse thereof.

We looked at these estimates and we saw how the problems had doubled in the past 10 years. This is the big contributor to collisions on our highways—the statistics are rather obvious to us all—12 per cent of all the property damage accidents, 19 per cent of all the non-fatal injury accidents, 26.5 per cent of all the fatal accidents and 51.8 per cent of all the driver deaths in the accidents had that alcohol component. I think it particularly behooves us to recognize that our young people were disproportionately swel-



ling the numbers of impaired driving convictions, as well as the number of alcohol-related collisions. We just touched on the very sobering thought that this was the biggest single killer of our young people in this province.

As the chairman in his opening comments touched upon, and others have referred to, back in 1967 we saw 5.5 per cent of young people's accidents being alcohol-related collisions. Then, after the very contentious issue of the day in which the legal drinking age was lowered from 21 in 1971, the number of alcohol-related collisions involving young people literally skyrocketed. By 1975, the percentage had reached the 37.2 per cent that the chairman mentioned and it is still rising.

We saw in the final report of the select committee that the Traffic Injury Research Foundation had studied the effects of age and drinking. It showed that 18- to 19-year-olds are 70 times more likely to die in motor vehicle collisions than the average non-impaired Ontario driver, twice the rate of impaired persons in older categories.

We touched on and saw the statistics from the study in London with the 18- to 21-year-olds increasing 174 per cent. Among that, the 24-year-old group, as a comparison, were something in the order of 33 per cent, a totally disproportionate number of increased alcohol-related collisions.

The sad thing of it all, statistics aside, is that they are bright young people with futures to be lived in this province, with experiences to have and contributions to make, which are so often snuffed out by the mixture of alcohol and the automobile that is so much a way of life with them as it is with the other age groups in our society.

When the Addiction Research Foundation said to us, and it is contained in this report, that they judged that 28 persons would not have died in automobile crashes between August, 1971, and July, 1972, and that some 4,450 collisions would not have taken place in that period, we cannot help but have been sobered by that reflection. As legislators, we have to consider most sincerely a debate that is about to take place in this Legislature.

So, in looking at that problem of the young drinking driver, I know it was probably the most sober of all the many reflections that we had in approaching a root cause. Looking at the root causes, we discovered early that young people were but a part of the overall increased consumption and frequency of alcohol in our society. I think the recommendations clearly point out, as another report submitted not terribly long ago also did, that a

package of various recommendations is needed. Central to this debate swirls this contentious issue of the age and what effect it might have in contributing towards the reduction of this horrendous cost and waste of our most precious natural resource, the young people of this province.

In this past decade—it was touched on by other speakers and I would like to underscore it—that the powerful advertising of alcohol has conveyed very clearly a message to young people that virtually all recreational activities require the consumption of alcoholic beverages. Young people, in trying to emulate the attractive lifestyle they see on television, have created for themselves in many cases serious alcoholic problems.

**Mr. Warner:** Stop them from doing it. You've been asked to for a whole year.

**Mr. Jones:** The member for Scarborough-Ellesmere is raising a question about the report, about the recommendation on lifestyle advertisement. Similarly, with the contentious issue of age, it was recognized that these were issues of such magnitude as not to be played political football with—

**Mr. Warner:** That's what you have been doing.

**Mr. Jones:** —but rather to be examined by all members of this House and, as they were in the select committee in a non-partisan way, to be seriously reflected upon and weighed. Thus came the recommendation that we see in this particular report which has just recently been tabled, is now being debated and being taken in hand by the government for its consideration.

On the issue of having lowered the age to 18 and the subsequent debate now for consideration as per this recommendation and a bill about to be debated in this House, we see a lot of people scurrying into the sidelines of the debate. I was happy to see that the members of the committee, led by the chairman, showed the courage to meet the issue and the debate foursquare and to examine in depth the issue and the side issues of the subject.

The fact is that alcohol has pervaded our high schools. All the investigation and all the evidence that are contained in this report and the other studies that are being done and have been done point clearly to the fact that the social functions of our high schools are increasingly being affected by alcohol. With increased consumption rates affecting our young people, the saddest of all are probably the younger ages. There is the so-called ripple effect whereby grade 9 students and even young groups than that in elementary schools are now being affected.



There is this great debate about the age 18 limit and whether one year would effectively help to remove the peer pressure we know exists so clearly in the high school age groups. As we look to the statistics and see in the report that 97 per cent of the students are in the under-19 class, there is a very big bridge separating those who have left the high school system for post-secondary or the world of work. It's a very real cut-off point, of course. We see something in the order of 1.6 in the early part of the school year and then it increases so as to give an average of some 97 per cent existence in the schools. It would be a very real factor in helping reduce the availability to young people and the pressure on those at 18 who legally can acquire drink and are part of our peer pressure group of the younger and younger ages that the rippling effect has involved.

We all know that young people are gregarious, do travel together and have all that extra opportunity for tragedy that all too often has been the case. One of the earlier

speakers, the member for Wellington-Dufferin-Peel, recited a real experience and tragic accident resulting in death in his riding. I think every member here can recite some incident similar to that. We would be less than responsible, I suggest, if we weren't to take this particular recommendation and all the various soberly thought-out and reflected-upon recommendations to heart for serious consideration.

I'd like in closing simply to express to the chairman and the members of the select committee in which it was my privilege to participate as they brought forward this report, my gratitude for the honesty and, yes indeed, in some subjects the courage, they showed in bringing forward these recommendation as they have in this report. Thank you, Mr. Speaker.

**Mr. Acting Speaker:** This item is discharged from the order paper.

On motion by Hon. F. S. Miller, the House adjourned at 10:30 p.m.

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# Legislature of Ontario Debates

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**First Session, 31st Parliament**

Friday, November 4, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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# LEGISLATURE OF ONTARIO

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FRIDAY, NOVEMBER 4, 1977

The House met at 10 a.m.

Prayers.

## SUPPLEMENTARY ESTIMATES

**Hon. Mr. Auld:** Mr. Speaker, this is a time when normally I would be tabling a supplementary estimate this morning. Unfortunately, however, I don't have it in my hand as yet. I expect to have it later on this morning. I wonder if I could have your indulgence, Mr. Speaker, and the indulgence to interrupt the proceedings of the House at the time that I have that supplementary estimate for Community and Social Services and table it in the normal manner.

**Mrs. Campbell:** On a point of order, Mr. Speaker, I understand the supplementary estimate to be tabled is only that of Community and Social Services. It is totally impossible from our point of view to proceed to discuss Community and Social Services without having the supplementaries in the ministries of the Attorney General, Health and Correctional Services, since they interrelate. I had taken the trouble to advise the House leader last evening of my position.

There are also reconciliations that have to be made in my submission in the Community and Social Service estimates in any event. I rise on this point because the order of business for next week has been announced and unless these matters can be dealt with over this weekend I don't believe Community and Social Services can proceed.

I am, therefore, asking your advice, Mr. Speaker, because we have four and a half hours left for those estimates and it would be inappropriate if we lost that time in estimates by reason of what I can only refer to at best as the very sloppy way in which this matter has been handled. I would seek your guidance and hope there might be other estimates that could proceed in the event that the government is unable to meet all of the conditions upon which I, for one, would be prepared to sit.

**Mr. McClellan:** In speaking to that point of order, Mr. Speaker, I have to agree with

my colleague from St. George. Let me briefly illustrate a part of the difficulty.

In his statement of June 30, which he said was the contents of the order in council creating the new vote, the Minister of Community and Social Services (Mr. Norton) said there was \$32.2 million for juvenile corrections in vote 2804. He provided a background statement that showed there was \$35.6 million in juvenile corrections. In the program, resource summary, which his ministry provided, the item had changed to \$37.2 million for juvenile corrections. In the estimates book of the Justice policy field, under vote 1503 for juvenile corrections, is the amount of \$36.3 million. So we have four incompatible sets of figures with respect to juvenile corrections alone.

Until we can have a proper reconciliation statement, and a proper understanding of the supplementary estimates from the other three ministries, we cannot proceed with the Ministry of Community and Social Services estimates. It illustrates why this minister arranged for a management-consultant study earlier in the spring to look at his serious problems.

**Mr. Lewis:** Oh for the return of the prodigal. Where is James Taylor? Will ye no come back?

**Mr. Speaker:** Order. The Speaker was not privy to, or not a part of any of the negotiations that took place yesterday between the House leaders. I understand supplementary estimates will be forthcoming in the next few moments. I haven't had a chance to peruse them nor have other members of the House.

I can only say that dealing with supply for Community and Social Services is the responsibility of that committee. If the majority of that committee feel the information before them is not sufficient for them to proceed, they are the managers of that committee. It's up to them to make a decision as to whether or not they feel there is sufficient information with which to proceed. The House or the Speaker cannot intervene unless they are specifically requested to do so by the committee.

## STATEMENTS BY THE MINISTRY

## FRUIT JUICE PURCHASES

**Hon. Mr. Drea:** Mr. Speaker, I wish to announce a new policy in regard to the purchase of fruit juices served in all correctional institutions operated by my ministry.

**An hon. member:** Are we being ripped off?

**Mr. Lewis:** You don't like Anita Bryant, is that it?

**Hon. Mr. Drea:** She's not going to like me.

I have instructed that the serving of imported orange and grapefruit juice is to be discontinued when supplies already ordered have been used. No existing contracts will be cancelled but no further contracts for these items will be established. Once supplies of imported juices obtained under present contracts are exhausted, only Canadian-produced fruit juices will be served, particularly apple and tomato juices. In the case of grape juices, only juice from grapes grown in Ontario will be purchased.

I believe this new policy will play a role in assisting Canada in its balance of payments and in providing employment and new markets for Canadians. This policy also recognizes the continuing support that my ministry's institutions, many of which are located in borough settings, have always received from the farming community in Ontario.

**Mr. Lewis:** Frank Drea for Treasurer.

## CROP CONDITIONS

**Hon. W. Newman:** Mr. Speaker, first I would like to congratulate the Minister of Correctional Services for his announcement on behalf of the agricultural community in the province of Ontario.

As members are aware, the harvest season this year has been a rather difficult one, with unusually heavy rainfall in September and early October. Nevertheless, Ontario farmers have managed to harvest a large proportion of most crops under these unfavourable conditions.

The very good weather we have had for the past two weeks has also greatly eased the situation. In several areas of the province, a light first crop of hay resulting from a prolonged period of dry weather was followed by good yields of second and third crops of both hay and haylage. Some of the silage corn crop could not be ensiled at the proper stage of maturity and moisture because wet fields prevented harvest equipment from operating. Some of this corn has since been harvested as grain corn.

In general, however, overall forage supplies appear adequate for the winter feeding

period. Grain corn yields and quality are generally good. Bushels per acre are above average as are pounds per bushel. The prolonged growing season allowed time for the kernels to develop to full maturity. The excellent weather of the past two weeks has been helpful to winter wheat producers whose fall planting has been delayed by wet conditions. Wet fields have dried sufficiently to allow some late planting of winter wheat.

The news about white beans is not so good. This crop suffered from the wet weather. However, the news is not all bad. Some farmers are finding yields and quality surprisingly good.

High rainfall in the late summer favoured soya bean production with yields of 40 to 60 bushels. All the vegetable crops except a few potatoes have been harvested and the yields have been generally good. There is some concern with the harvesting of crops in the Holland marsh because of the extremely wet weather, and there is some problem with the potato crops.

Considering the adverse conditions, Ontario's largely successful harvest is a tribute to the ingenuity and management ability of our farmers. However, in spite of the generally favourable results of the harvest, some individual farmers have been hard hit. I wish to inform the members therefore that my ministry has decided to postpone payments of principal for one year to farmers with Ontario junior farmer loans and to participants in the Ontario young farmer credit program who may be having trouble meeting financial commitments due to the adverse harvest weather conditions.

We are also asking the federal government to join with us by postponing principal payments on federal farm credit corporation loans for farmers who have been constrained financially by the poor harvest weather. I made this request to the federal Minister of Agriculture about two weeks ago and although he has not as yet agreed to this course of action, he has not rejected it. He tells me he is investigating possible alternatives, so I trust that help in some form will be forthcoming from the federal government.

I believe we have a great responsibility to the farmers of this province. They are crucial to our economy. We have invested in their future and ours with these loan programs. We must not become so inflexible that we cease to be a help to them.

[10:15]



## NEGLIGENCE AMENDMENT BILL

**Hon. Mr. McMurtry:** Today I intend to introduce for first reading, the Negligence Amendment Act. The effect of these amendments will be that damages and contributions to indemnity will be recoverable for loss or damages incurred by any passenger caused by the negligence of a driver, regardless of whether the vehicle was carrying passengers gratuitously or for compensation, regardless of whether the negligence of the driver was gross or simple negligence.

The Act itself is essentially a consequential amendment in support of the repeal of the so-called guest passenger provision as proposed in section 16 of Bill 85, The Highway Traffic Amendment Act, 1977. As the repeal of the guest passenger provision is a matter that touches on civil rights of action in the administration of justice in the province, section 16 of the Highway Traffic Amendment Act was proposed by the Ministry of the Attorney General at the request of the Minister of Transportation and Communications (Mr. Snow).

As a result of Bill 85 and the amendments that will be proposed here today, all passengers will have an equal right of action against the negligent driver, regardless of whether the vehicle was being used to carry passengers gratuitously or for compensation. Under the present law, unless the vehicle is being used to carry passengers for compensation, an injured passenger must prove the driver has been grossly negligent. In every other instance, the driver is liable for his simple negligence. This discrimination against the guest passenger has long been assailed by the courts, the legal profession and a number of study groups including, most recently, the select committee on company law in its report on automobile insurance.

This anomaly in our law of negligence is long past due for reform. I am pleased to assist in implementing these much-needed amendments.

## ORAL QUESTIONS

### SUPPLEMENTARY ESTIMATES

**Mr. S. Smith:** Would the Speaker inquire on my behalf as to who is in charge of the government at the moment, who the senior minister is?

**Mr. Lewis:** The Minister of Correctional Services, I would think.

**Mr. Speaker:** Would anyone care to indicate who it is?

**Mr. Cunningham:** Don't be so bashful.

**Mr. Speaker:** The Chairman of Management Board.

**Mr. S. Smith:** A question for the Chairman of Management Board: In view of the major changes in ministry budgets, not only the shifting around from one ministry to another such as we were discussing earlier this morning, but also the major changes indicated in the recent issue of Ontario Finances, will the minister tell this House when we might expect all the supplementary estimates, as committees of this House are currently discussing budgetary estimates that are really quite out of date?

Is the government planning to wait until just before the Christmas recess and then tip-toe in and land on the desk and on the table with several hundred million dollars worth of supplementary estimates? The government knows already that these estimates we are discussing now are irrelevant. Why doesn't it bring in all the supplementaries?

**Hon. Mr. Auld:** In the normal course of events, supplementary estimates come along towards the second or third quarter of the fiscal year. We have always in the past had only one set of supplementary estimates. Technically, there is no impediment of which I am aware that there can be only one set of supplementary estimates. I suppose if we want to put up with the administration, the time and cost involved, we could have them every week.

At the present time, we are gathering from the operating ministries what supplementaries they may be anticipating. I would hope we would have "sups" before the Christmas recess and certainly not during the last couple of days before. On the other hand, the longer we wait the more we have.

I should point out that where reductions take place it is not necessary to have supplementary estimates because every year we have some unspent funds. The purpose of estimates is to authorize the spending of the funds, but it doesn't mean that those funds have to be spent, and I am sure this House wouldn't want that kind of requirement. In fact, one of the comments yesterday in the debate on the Leader of the Opposition's resolution indicated—incorrectly, as a matter of fact—that there was a great flurry of spending in March to make sure all the money was spent. This is not correct. In fact, I made a statement about it last year. However, that's aside from the point.

I will endeavour to give the House, in the next few days, an indication of when we might expect the supplementaries.



**Mr. S. Smith:** Supplementary: Does the Chairman of Management Board not agree that it is somewhat pointless for people to be sitting in estimates committee discussing estimates when Ontario Finances is published quarterly, making it quite plain that those figures are simply not relevant, that they are not in fact appropriate to the discussion that should be going on?

Surely the minister has enough respect for the parliamentary process to bring in major supplementary estimates as soon as he has them, leaving enough time for intelligent debate on these matters, and not just come in, as has been said, a week or a couple of days before the Christmas recess and land us with millions of dollars worth of supplementaries.

**Hon. Mr. Auld:** As the Treasurer (Mr. McKeough) has pointed out on a number of occasions, Ontario Finances is made up of a combination of figures, actual figures and estimates, both in terms of expenditure and revenue. One notices changes in various totals from quarter to quarter because of changes that take place in those two overall categories. I don't think this House would want the estimates to be changed every quarter because of other estimates that have been made, which also change from time to time, if I'm not getting too convoluted.

The spending estimates of the ministries are set, and they are maximum amounts that the ministries are permitted to spend, subject to unexpected large expenditures for which there are provisions either by Management Board order or by special warrant, of which we have a diminishing number each year.

All I can say at this time is that I will attempt to give the House an indication as soon as I can as to when we might be bringing in all the supplementaries that we now know of, or whether we may bring in some and trust it won't be necessary to have more, because we still have five months to go in the fiscal year.

#### REVIEW OF BOARDS AND COMMISSIONS

**Mr. S. Smith:** A new question for the Chairman of Management Board: Since he and his government saw fit yesterday not to support the resolution, the so-called sunset idea—although, frankly, I think they were more frightened of the sun shining in some of their private Tory patronage fiefdoms,—

**Hon. Mr. Rhodes:** How can the Liberals stand up and say that?

**Mr. S. Smith:**—a resolution which would have conducted a much needed review of the

hundreds of boards and agencies and commissions—

**Hon. Mr. Rhodes:** Does the member want to debate it again?

**Mr. S. Smith:**—and since the minister mentioned that he and Management Board are carrying out some type of assessment of their own on all these boards, agencies and commissions, can he tell us whether in fact he intends to table in this House the information and the deliberations of Management Board with regard to all the agencies, boards and commissions, and whether he will allow his information and his decisions to be shared with the procedural affairs committee of this House, for instance, since it's part of the committee's frame of reference to look at these matters?

**Hon. Mr. Auld:** Mr. Speaker, the hon. Leader of the Opposition is, I am sure, aware that Management Board is a committee of cabinet and our discussions are in the same category as cabinet discussions. The decisions are made public. Some of the reports that are involved may well be made public, depending on their total relevance, I guess.

The actual discussions on who said he was in favour of something and who said he wasn't are not public, because when we finally produce a report, or when cabinet comes out with a decision, it is a unanimous decision. Sometimes it takes longer than others to get a unanimous decision but that's what it is.

**Mr. Wildman:** Except in the case of Edwardsburgh.

**Hon. Mr. Auld:** I might say, in terms of the comment about patronage, that the Leader of the Opposition, and I hope I'm not maligning him incorrectly—

**Mr. Conway:** But maligning him none the less.

**Mr. Reid:** The minister hopes he is maligning him correctly, that is what he is trying to say.

**Hon. Mr. Auld:**—but let me say I am not incorrect in my assumption that he was the one who said there were a number of these boards and commissions that should be done away with because they hadn't met. If they hadn't met, then the patronage would be somewhat limited on account of the fact that the members are paid a per diem and if they don't meet they don't get paid.

**Mr. S. Smith:** Oh, what nonsense.

**Hon. W. Newman:** That is true. Look at McRuer's report. Why don't you read it before you make all these statements?



**Hon. Mr. Auld:** However, I think I have answered the main question.

**Mr. Reid:** Don't tell us you read it?

**Mr. Lewis:** You read McRuer?

**Hon. W. Newman:** Yes.

**Mr. Lewis:** You mean somebody read McRuer to you.

**Hon. W. Newman:** Parts of it anyway.

**Mr. Breithaupt:** In very small doses.

**Mr. S. Smith:** Came out in paperback, is that it?

**Mr. Lewis:** Inch by inch.

**Mrs. Campbell:** My question is supplementary to the answer given by the minister. Could he tell us whether it is a fact that the Community and Social Services estimates were introduced in the fashion in which they were as a result of a decision of Management Board, since he has said they do announce their decisions? Would he give us that information?

**Hon. Mr. Auld:** Mr. Speaker, I didn't say we announce our decisions. We make recommendations to cabinet as a committee of cabinet. Obviously the government agreed with the introduction of the estimates of Community and Social Services in the form that they were introduced.

I might just say, in addition to what I said yesterday, that I am informed as of yesterday that the order-in-council method was deemed to be unconstitutional. I am informed that the Clerk of the House said it was questionable.

## HYDRO CONTRACTS

**Mr. Lewis:** Mr. Speaker, I am going to turn my guns on the heavyweights. I have a question for the Minister of Energy.

I want to ask the minister, in light of the document which he tabled in the House yesterday of the contract between Ontario Hydro and Gulf Minerals, what he understands the chairman of Hydro to mean when he says, "I am sure you realize that public disclosure of the terms and conditions of a commercial contract such as this one is against common practice, and for good reason." How can it be against common practice to reveal the terms of a contract between a public corporation, paid for by public money, and a company in the private sector?

**Hon. J. A. Taylor:** Mr. Speaker, I would only have to surmise the mental processes behind that particular paragraph.

**Mr. Lewis:** The mental processes?

**Hon. J. A. Taylor:** Yes. However, I could, if the member invites me to do that. I would

suggest there may be some sincere and legitimate concern on the part of the chairman of the Hydro board that the competitive system in terms of bidding might be destroyed, so that you could arrive at a common price if there was full disclosure of everyone's bid in terms of the contract. I would surmise that.

This, I may say, is apparently of some concern now in some of the US utilities where they have been asked not to disclose that. What is resulting apparently is a common single price which is not the best price that the utilities might be able to get if there were a lack of public disclosure in terms of those contracts.

I am just surmising what may be behind that. Hopefully the indication of concern by the chairman of Hydro will be further developed and we will be able to take some positive position on it.

**Mr. Lewis:** By way of supplementary, could it be that he did not wish this contract to be disclosed to the public even after it had been signed? Not only does it provide for an automatic escalator clause for wages and for material inputs, but it also provides, incredibly enough, for an automatic pass-through of any taxes or royalties paid subsequent to the signing of the contract, and any costs incurred in upgrading mine safety or mine conditions? Is it not an unprecedented rip-off for Gulf Minerals, into which Ontario Hydro entered openly, with subsequent charges to be borne by the province of Ontario? Isn't that why Ontario Hydro wants to hide the details of the contract?

[10:30]

**Mr. Warner:** That's disgusting.

**Mr. Mancini:** That's why you let him off the hook.

**Hon. J. A. Taylor:** No, would be my answer to that. If the member would like my view on the question of royalties he raised—

**Mr. Wildman:** He asked for it.

**Hon. J. A. Taylor:** As the member appreciates, even now the delivery of uranium would be half of the current market price.

**Mr. Lewis:** That is not the point.

**Hon. J. A. Taylor:** It is the point, though.

**Mr. Lewis:** The point is that we were taken.

**Mr. Speaker:** Order, the question has been asked.

**Hon. J. A. Taylor:** The point of royalties is that presumably Saskatchewan, from where this uranium comes, could add royalties to

the extent of matching the Hydro price to the world price and we in Ontario would have to suffer those additional royalties. They would be fed through in the contract so that the Hydro consumers would then suffer those additional prices.

**Mr. Lewis:** That is what is happening.

**Hon. J. A. Taylor:** And that could very well happen. If the member is asking me whether that's a concern of the Hydro chairman, it may very well be a concern of the Hydro chairman.

**Mr. Lewis:** But you agreed to that.

**Hon. J. A. Taylor:** Hydro hasn't agreed to that at all.

**Mr. Speaker:** The question has been answered.

**Hon. J. A. Taylor:** If what members opposite want to do is to try to increase uranium prices to Ontario Hydro so that the consumers of electricity in this province are penalized, then why don't they say so?

**Mr. Lewis:** Why don't you resign, for heaven's sake?

**Hon. J. A. Taylor:** Smile when you say that so the press doesn't take it seriously.

**Mr. Deans:** You haven't even read the contract.

**Mr. Speaker:** Order. This is not a debate.

**Mr. S. Smith:** Supplementary: Regarding this very contract and regarding the comments that the minister has made saying that the chairman of Hydro made a good argument that that contract didn't need to have government approval, would the minister kindly table that argument in whatever form it exists and would he explain why it is that the government now rejects that argument for the present contract with Denison?

**Hon. J. A. Taylor:** I did not say Hydro made a good argument in that regard.

**Mr. Lewis:** You said "mental processes."

**Hon. J. A. Taylor:** Again it is a fiction that is created by the Leader of the Opposition.

**Mr. S. Smith:** The minister said it yesterday.

**Mr. Lewis:** I have a supplementary. Does he not understand, as minister, that Gulf Minerals entered into this contract for ores that it had in the early 1970s at a tremendous rate of profit with a guaranteed return over the years, on top of which Ontario Hydro gave it the right subsequently to add in all additional royalties and taxes and all additional costs relating to mine safety or mine upgrading plus all mineral input? Does he not recognize that that is a violation of the

use of public money and that he should condemn Ontario Hydro for that kind of contract?

**Mr. S. Smith:** That's normal practice.

**Hon. J. A. Taylor:** Is the leader of the third party suggesting that that is what happened?

**Mr. Deans:** It did happen. It is in the contract.

**Mr. Lewis:** Mr. Speaker, I think this is a point of personal privilege. It doesn't amount to that? You are shaking your head.

It's Friday morning. I can see, however, that compassion will glint in your eye. On a point of order, Mr. Speaker, it is intolerable—

**Mr. Speaker:** There is no point of order.

**Mr. Lewis:** I have a supplementary then. Is it not intolerable that the minister should have tabled a contract, in this Legislature yesterday, which he clearly hasn't read or absorbed, and in which he doesn't understand what the sections on price adjustment mean, but he appears to be agreeing with us because of his incredulous response? If so, why doesn't he haul the chairman of Ontario Hydro into his office and tell him that he can't rip off the public this way?

**Mr. Deans:** What's wrong with this minister?

**Mr. Warner:** There is only one thing left for him to do—resign and save himself some honour.

**Hon. J. A. Taylor:** I compliment the leader of the third party on being a master of fiction.

**Mr. Wildman:** When we are dealing with the minister, it's science fiction.

**Hon. J. A. Taylor:** I was asked if I would table that contract. In my open way I was happy to table that contract. I read it very thoroughly, I may say, before tabling it. I am familiar with the base price and the escalation clauses; and if the hon. member would familiarize himself with that, I think he would appreciate that this contract actually provides for a very good deal for Hydro consumers.

**Mr. Lewis:** Yes and for Gulf Minerals.

**Mr. S. Smith:** Supplementary: Why does the minister not simply explain to the leader of the New Democratic Party that these escalation clauses happen to be normal practice and address himself to the important matter of the base price paid originally, which is \$2 above even the world cartel price, in a clearly rigged bid which Hydro must have known was a rigged bid when it agreed to it?

**Mr. Lewis:** It is not normal commercial practice, damn it, to include those increases.



**Hon. J. A. Taylor:** Again, I would be happy to discuss this with the Leader of the Opposition if he doesn't understand it. Certainly if he could appreciate what was happening in terms of the world price of uranium throughout 1974, then I don't think he would make that accusation.

**Mr. Speaker:** The hon. member for Scarborough West with a second question?

**Mr. Lewis:** No, I don't want to take any more time, Mr. Speaker.

## PLACEMENT OF RETARDED PERSONS

**Mr. Mancini:** Mr. Speaker, I have a question for the Minister of Community and Social Services. I wonder if the minister is aware that in the county of Essex there are no facilities for the retarded and that, in fact, these retarded people are kept in nursing homes and lodges?

**Hon. Mr. Norton:** Mr. Speaker, I am aware of the fact that there is a proposal currently before our ministry to establish a group home residential facility for the mentally retarded in Essex. It is a proposal which was received by our ministry from the district working group about the end of March of this year.

Our staff have been working with the local association towards the establishment of this facility, the latest meeting having taken place some time during the summer; I'm not sure of the precise date. But at the present time we were under the impression, as a result of a statement made to our staff by the president of the association, that they would not be in a position to proceed until some time this fall, by which time they expected to have appointed a director of the association to oversee the implementation of the project.

We had not expected them to proceed before this fall and we have had no further communication from them at this point indicating that they are now ready to go ahead. But as soon as we do hear from them, we are prepared to proceed in co-operation with them to place such a facility in operation in Essex.

**Mr. Mancini:** Supplementary: Is it not a fact that ARC Industries of Essex has had this proposal before the ministry for at least two years? Is it not also a fact that ARC Industries of Essex could have had the opportunity to purchase two or three different homes but was not able to do so because the ministry just did not put forward the funds? And could the minister table, in this House, any other county with the same population as Essex which does not have any facilities for its retarded?

**Hon. Mr. Norton:** To the best of my knowledge the information of the hon. mem-

ber is incorrect. Prior to the end of March of this year, the proposal had been presented—and I'm not sure precisely when—to the district working group for consideration, which is the process by which we receive advice and recommendations from local community groups on the establishment of the most appropriate facilities in those communities.

We didn't receive the recommendation from the district working group until March 30, I believe, of this year. So to suggest that that has been before our ministry for two or two and a half years, certainly according to my information, is incorrect. They may have had some prior communication with the ministry about the development of a proposal, but there was no proposal before us until the recommendation of the district working group was received.

I might have some difficulty in tabling a county in the House, but if there is any further information in that respect—I don't know offhand; I'm sure there are other counties where there is a need for greater service or greater facilities than are presently there, but I'll check into that for the hon. member.

## OTTAWA JOURNAL LOCKOUT

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Labour: In view of the fact that there is a very limited number of strikes in the province at this time, partly because of this government's support for the Anti-Inflation Board, can the minister say why it is that the Ottawa Journal lockout continues for now in its 55th week? Could she say what the government is prepared to do to stop the bad-faith bargaining by the employer in that case?

**Hon. B. Stephenson:** Mr. Speaker, as I'm sure the hon. member knows, the ministry has been actively involved in attempting to resolve this particular dispute for a very long period of time. We have devoted and delegated to it some of our most able mediators and conciliators and we have appointed an industrial inquiry commission.

The present dispute resolves around one specific segment of the striking unions involved in that dispute in Ottawa. An attempt being made valiantly by one of our most able mediators to find a solution to the potential retirement problem of some of those workers is, I think, causing the difficulty at the moment. It is a matter in which we have been actively, deeply and vigorously involved and that involvement is in no way lessening.

**Mr. Cassidy:** Supplementary, Mr. Speaker: In view of the fact that the company has been pouring resources from its parent FP group into the Ottawa Journal dispute in



order to keep that dispute in being, rather than reaching a settlement, is the minister prepared publicly to condemn that kind of anti-labour tactic by the management?

**Hon. B. Stephenson:** It's my understanding, Mr. Speaker, that the management has been pouring money into the Ottawa Journal to keep the Ottawa Journal afloat. I'm sure one of the objectives is to preserve the jobs of those workers who are presently working within the Journal, and hopefully to preserve the jobs of those who are still out on strike so that they may have something to come back to.

I'm not willing at all to condemn the publisher for attempting to keep the newspaper afloat. I'm not sure how long he can do it, however. But I would remind the hon. member that the bad-faith provision has been exercised before the Ontario Labour Relations Board in this particular dispute, and it was, I think, deemed that there was some bad faith on both sides, as a result of a decision of the Labour Relations Board.

Certainly I would be unwilling to condemn the publisher for attempting to keep his particular establishment functioning in order to preserve the jobs of the workers in that industry in Ottawa.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Is the minister prepared to consider changes in the Labour Relations Act in view of the fact that one alleged action of bad faith by the union before the lockout even occurred was deemed to counterbalance a consistent pattern of bad-faith bargaining by the employer that went on for month after month after month and continues to this day?

**Hon. B. Stephenson:** No, Mr. Speaker, I think that if there is a change in labour legislation necessary, it will not be based upon one instance or one dispute. It will be as a result of an examination of the law related to a number of disputes. If it is found that the law is inappropriate related to the disputes which we have in this province, then we will consider changing it.

**Mr. Yakabuski:** Supplementary, Mr. Speaker: When the Telegram folded here in this city a few years ago, the rank and file of the membership of that union were not informed that the Telegram had allowed the union to examine its books and prove that it was in great difficulties. It seems that at that time the rank and file of the union were not kept fully informed. I'm wondering if the Minister of Labour could ensure—

**Mr. Speaker:** Are you asking?

**Mr. Yakabuski:** —that the members of the union involved in the dispute in Ottawa are kept fully informed by their executive?

**Mr. Lewis:** The Telegram workers were fully informed. That was one of the better things about that fiasco.

**Hon. B. Stephenson:** Mr. Speaker, I cannot be absolutely sure that every single member is completely informed about the financial situation of the Ottawa Journal.

**Mr. Deans:** They are probably better informed than the member for Renfrew South.

**Hon. B. Stephenson:** But I am aware that the Journal has made, I think, a total release of its financial position available to the unions involved. The numbers of members of the various unions involved is not great, and I would think it would probably be easier in that situation to inform all the members of the union than at the Telegram where the numbers were very much larger.

[10:45]

#### ACTIVITIES OF OPP

**Hon. Mr. MacBeth:** Mr. Speaker, on Tuesday, the member for Scarborough West asked if the Ontario Provincial Police had looked into the activities associated with native people's groups or with some of the activist groups in relation to native people's organizations and movements.

The Ontario Provincial Police is aware of the activities of the American Indian Movement. On April 29, 1976, I responded in this House to a query in regard to that group.

The security branch of the OPP is responsible for the personal security of members of the Legislative Assembly and the Lieutenant Governor. In addition, it is responsible for the physical security of government buildings, including files and computers. The security branch of the OPP gathers information on certain groups and extremist organizations that may be contemplating or committing criminal acts, intimidation or harm to members of the Legislative Assembly or who advocate the overthrow of authority by illegal means.

However, the OPP is not charged with the responsibility of national security. This role is fulfilled by the Royal Canadian Mounted Police. The OPP does not keep files on recognized political parties. The use of the word "political" with respect to groups of concern to the OPP is used in its broadest sense and includes militant, activist and racial groups that consider themselves political in nature, such as the American Indian Movement, the Marxist-Leninists, terrorists both



urban and international, the Western Guard, and the Serbo-Croatian conflict.

**Mr. Cunningham:** How about the YPC?

**Hon. Mr. MacBeth:** They're a pretty activist group, I'll say that for them.

The OPP does not have files on any members or parties in this Legislature. The only persons who can obtain authority for electronic surveillance for national security reasons are the RCMP. They, in turn, must make application to the Solicitor General of Canada. He is the only who may grant this authority. The role of the OPP in security is simply that of preventing a breach of the Criminal Code of Canada.

**Mr. Reid:** May I ask the Solicitor General if he can give us some figures on the number of OPP who are engaged in security aspects? In his answer yesterday, he didn't give any indication that the ranks of the RCMP were swelled since 1972 for security reasons. He listed four or five areas.

**Mr. Speaker:** Question.

**Mr. Reid:** Can he give us the figures for the OPP and for the RCMP engaged in security operations in the province of Ontario?

**Hon. Mr. MacBeth:** Mr. Speaker, I think we can get the OPP figures later today in estimates. I don't have them readily available but, as you know, immediately following the question period and the other orders of business, we will go into estimates. The OPP estimates are there and we can give them at that time.

There was a supplementary question asked yesterday along the lines of whether or not I had the breakdown of the RCMP figures.

**Mr. Wildman:** They broke down all right.

**Hon. Mr. MacBeth:** I said I did not have the breakdown of them.

**Mr. Reid:** No reference to security.

**Hon. Mr. MacBeth:** The answer came from the RCMP and there is no reference to that. It refers to drug activities, commercial crime, customs and excise, immigration and passport abuse, and organized crime.

**Mr. Foulds:** May I draw the Solicitor General's attention to the inquiry put on the order paper yesterday with regard to this matter? Could he inform us, in view of his original answer, which groups the OPP considered needed surveillance in the day of protest marches on October 14?

**Hon. Mr. MacBeth:** I'm sorry, I didn't get the last part of that question—the reference to October 14.

**Mr. Foulds:** Which of the groups did the minister mention that the OPP had under

surveillance? Which groups did they think they had to survey during the day of protest marches on October 14?

**Hon. Mr. MacBeth:** I don't know whether the OPP did any particular surveillance on that day. Again, that's a question I haven't specifically asked them but we can get that for the member later in the morning.

**Mr. Reid:** Will the Solicitor General check again with the RCMP to see if their numbers in Ontario increased since 1972 for the purpose of national security and surveillance of individuals and political parties?

**Hon. Mr. MacBeth:** Mr. Speaker, I will be glad to try to get that information. I say "try" because there was no difficulty in getting this information that we did get; but when one deals with that subject, they may be a little more careful of what kind of information they give us. But, I will certainly attempt to get that for the member.

**Mr. Sargent:** Supplementary: Does the minister have any record of the OPP investigation of the American Indian Movement at Sauble Beach this summer, the practice there this summer? If so, could I have a copy of that report?

**Hon. Mr. MacBeth:** Mr. Speaker, I have no information in regard to a particular site, and I gather that's what you are asking. As I said, we do keep an eye on the American Indian Movement, but I do not have any record here of where and when that has been done.

**Mr. Sargent:** If we were involved there, would the minister see if he can get the report for me?

**Hon. Mr. MacBeth:** Yes. Mr. Speaker, we will try to get that information.

#### TRANSPORTATION OF HAZARDOUS PRODUCTS

**Mr. Bradley:** A question for the Minister of Transportation and Communications: The Minister of the Environment (Mr. Kerr) has had many questions directed at him about this, but taking into consideration the controversy that has surrounded the use, transportation and disposal of polychlorinated biphenyls in the province of Ontario, is the minister, in conjunction with the Minister of the Environment, prepared to review the present regulations that exist for the transportation of PCBs in the province with a view to making them much more stringent? In this review, is the minister prepared to look at the procedures for unloading and loading, even within the specific industrial yards that exist in the province?



**Hon. Mr. Snow:** Mr. Speaker, for the last number of months, my ministry has been working with the federal Minister of Transport, who is developing regulations and legislation dealing with the transportation of hazardous products. I propose to amend our legislation this fall and make provision in the provincial legislation to adopt the federal regulation for the transportation of hazardous products as soon as that regulation is finally completed.

At a recent meeting of all the ministers responsible for the regulation of transportation from the 10 provinces and the federal minister, it was decided that this was the most appropriate way of having a standard across Canada for the protection of the public in the transportation of these products, and that each province should adopt the appropriate federal standards rather than create its own standards, which would not necessarily be the same in each province.

I hope my federal counterpart will get that regulation in place very soon; as I say, I have made provision in my legislation to adopt it.

**Ms. Bryden:** Supplementary: Do I take it from the minister's answer that there are at present no special regulations in effect for the transportation of this highly dangerous substance, PCBs? We know some were imported to the Mississauga plant of St. Lawrence Cement in the last two years under the experimental burning. Are there no special regulations relating to the transport of that material?

**Hon. Mr. Snow:** Mr. Speaker, I am not aware of all the federal regulations that might apply to it. I do not believe we have any specific regulation in Ontario that would specifically apply to PCBs, no.

**Mr. B. Newman:** Can the minister inform me, and through me, the House, whether he is informed at all times when PCBs enter Canada from the United States? Does the minister also have a bill of lading so that in case the substances are not PCBs or are contaminated PCBs, he would know?

**Hon. Mr. Snow:** Mr. Speaker, I am not personally informed of every shipment of product across the border. To my knowledge, the operation of the customs is still the responsibility of the federal government.

**Mr. B. Newman:** The fact that they are travelling on Ontario highways—that would make it part of the minister's responsibility, would it not?

**Hon. Mr. Snow:** Every shipper in Ontario does not have to notify me each morning what he is going to ship that day.

**Mr. B. Newman:** Is the minister not concerned that PCBs are travelling on Ontario highways, being shipped in from other jurisdictions—from the United States?

**Mr. S. Smith:** No standards as to what type of truck, either.

**Hon. Mr. Snow:** I am very concerned that we have appropriate regulations and legislation to deal with the transportation of hazardous products, not only PCBs but any hazardous products. We have been working very closely with the federal government for some two to three years—I know in the more than two years since I have been in this ministry, in practically every provincial-federal meeting that we have had, the hazardous products matter has been discussed and it's always just coming along. Mr. Lang has a great habit of saying that everything is coming in two weeks' time, but sometimes the two weeks never come.

#### MINOR HOCKEY PLAYERS

**Mr. Foulds:** I would like to ask a question of the Attorney General. By what authority does the Ontario Minor Hockey Association flout the provisions of the Ontario Human Rights Code? And does the Attorney General not think that the proposed appeal by the OMHA of the Gail Cummings case is a deliberate attempt to frustrate the Human Rights Code? Further, by what authority does the OMHA suspend coaches such as Barry Webb, whose only fault appears to be to testify before the Human Rights Commission? Does that not simply deny a person the right they have to free speech in this province?

**Hon. Mr. McMurtry:** Mr. Speaker, I certainly don't condone for one moment the actions of the Ontario Minor Hockey Association in this matter, but I don't think it would be appropriate for me to comment further. This matter is before the courts. As you know, the Ontario Minor Hockey Association has appealed the decision of the inquiry officer to the divisional court and in view of that I think it would be wrong for me to comment further at this time.

**Mr. Foulds:** A supplementary: Is there any way the Attorney General can speed up that appeal process?

Secondly, does the minister agree with the comments of one Bill McMurtry with regard to the Gail Cummings case when he was quoted in the Star yesterday as saying, "It would be tough on boys playing against girls. After all, what boy when he sees a cute little girl skating against him wants to flatten her with a check? It's wrong, it creates all sorts



of problems"? Does the minister not think that that might be the ultimate solution to the problem of violence in hockey that the same Bill McMurtry wrote about some three years ago? It might clean it up.

**Hon. Mr. Rhodes:** There is more violence between man and woman than between man and man.

**Hon. Mr. McMurtry:** I must admit I hadn't heard that statement attributed to my brother. I find it rather surprising, particularly because I would have to say that obviously he hasn't played hockey recently against my own daughters or he wouldn't say that.

Speaking as a parent and not as Attorney General, I think young women should be encouraged to participate in the game of hockey, and I don't think nearly enough has been done to make it possible for them to play this game. I don't think that I have anything further that can be usefully added at this time.

**Mr. Reid:** Supplementary: Would the Attorney General consider looking into the contracts of the NHL and WHA who are not allowing players under the age of 20 to play in these national teams?

**Hon. Mr. Rhodes:** That's not a supplementary.

**Mr. Reid:** Don't you think it's time to look into the whole structure of professional sport in the province of Ontario?

**Mr. Speaker:** That is not supplementary to the original question.

**Mr. Deans:** Supplementary: Does the minister recall a conversation we had about a year and a half ago with regard to the Ontario Minor Hockey Association, and doesn't he think it is about time that we took a serious look at the scope and jurisdiction of the OMHA, given that they seem to have a propensity to make decisions which, at least on the surface, are not in the best interests of Ontario's youth?

[11:00]

**Hon. Mr. McMurtry:** I don't have any firm view in this respect. I've been concerned in the past about the structure of minor hockey. As a matter of fact, some dozen years or so ago, as a lawyer I represented a group of people who were very concerned and caused the Minister of Labour at that date to order an inquiry into minor hockey in the Metropolitan Toronto area. I think it's something that we should look at from time to time. But I have to say that although I am concerned about some of the actions of people involved in minor hockey, I think at the same time we have to recognize the many dedi-

cated efforts of thousands of people who give of their time to minor hockey.

**Mr. Deans:** Like the coach who can't coach.

**Hon. Mr. McMurtry:** I think we have to be cautious about taking the position that government is going to move in in any sort of heavy-handed way. But as for members of the Legislature expressing an indication to take a look at minor hockey in this province, I think it's something we should think about, quite frankly.

I'm awaiting with interest the report that has been worked on in the province of Quebec for the past two years or more. They ordered a commission into minor hockey in that province, a very broad commission, to examine the role of amateur hockey in the whole social structure of that province. I'm told that this report which was originally due out last year will be tabled within the next two or three months. I think we in this province should take a serious look at that report. It might possibly provide some guidance for us as we consider this problem in the future.

**Mr. G. I. Miller:** I did have a question for the Minister of Transportation and Communications, but I see that he has left the House. I don't know if he's very far away or not. But the question I would like to put to him is the fact that—

**Mr. Speaker:** You can't ask a question if he's not here.

**Mr. G. I. Miller:** Can't I? Well, is he aware that the Queen Elizabeth Way was closed off last night at the—

**Mr. Speaker:** You can't put it if he's not here.

#### CLOSING OF QEWS

**Mr. G. I. Miller:** Can I ask the Solicitor General, Mr. Speaker? I have a question for the Solicitor General.

Is the Solicitor General aware that the Queen Elizabeth Way, the most important and, perhaps, the most heavily travelled highway in the world, was brought almost to a standstill last night? I think the traffic was going along one lane at five miles per hour. At 7:30 at night there was a back-up to Southdown Road and it took an hour to get through that particular area.

**Mr. Speaker:** Is this a question or a traffic report?

**Mr. G. I. Miller:** Is the minister aware of this situation?

**Hon. Mr. MacBeth:** Mr. Speaker, as you know, I was out with you last evening.



**Mr. Sargent:** I am surprised you look so well.

**Mr. S. Smith:** In that case you would be aware of nothing.

**Hon. Mr. MacBeth:** I was not aware of what was going on along the Queen Elizabeth Way, but I'm sure the members of the OPP were well aware of it.

**Mr. Peterson:** You two make a very handsome couple.

**Mr. Lewis:** Jack Stokes and John MacBeth out together for an evening.

**Mr. Speaker:** The Minister of Energy has the answer to a question asked previously.

#### NANTICOKE PLANT

**Hon. J. A. Taylor:** Mr. Speaker, on Monday, October 31, in responding to the member for Halton-Burlington (Mr. Reed) concerning the cost of repairs to Nanticoke generating units, I neglected to answer concerning the cost of the responsibility for the replacement or repair of hanger rods at Nanticoke generating station.

Babcock Wilcox Canada Limited is carrying out the permanent work, including the design, fabrication and replacement of hanger rods on all units at Nanticoke. Estimated cost of this work is between \$6 million and \$7 million and Babcock Wilcox have agreed to absorb the cost of these permanent repairs.

**Mr. Speaker:** The hon. Minister of Education has the answer to a question asked previously.

#### INCREASE IN EDUCATION ESTIMATES

**Hon. Mr. Wells:** Mr. Speaker, a week or so ago the hon. member for London North asked a question of several people in the Legislature concerning the estimates of the Ministry of Education and a figure of \$103 million additional which appeared in the Treasurer's quarterly report.

I would just like to explain to him that the \$103 million which shows there as an addition to the estimates of the Ministry of Education is there because of the receipt of an actuarial report on the teachers' superannuation fund which was received on July 27. Under regulation 654 of the Pension Benefits Act it is necessary, because of that actuarial valuation, to increase the amounts put into the teachers' superannuation fund this year by about \$103 million.

That amount of money will come forward in the supplementary estimates, of course, and be debated in this House at the appropriate time. But I draw to the hon. member's atten-

tion that if he reads regulation 654 and the actuarial valuation, we have no option—and having received the valuation report should inform the House that we have no option—but to add \$103 million to the amount already voted this year for the teachers' superannuation fund.

**Mr. Van Horne:** Supplementary: I appreciate what the minister has passed on by way of reply, but my understanding is that the work the actuaries did really covers the situation as it existed about one or two years ago and it is really an updating. In the light of that, the question would be, is the ministry planning to change the procedure wherein there is an actuarial valuation, as spelled out by section 5(3) of the Teachers' Superannuation Act, to an annual valuation rather than a valuation approximately every three years?

**Hon. Mr. Wells:** I don't know that any action is being taken to change it to an annual valuation. It takes, as I understand it, a fair length of time to do the valuation and on the receipt of each valuation, because of a number of factors in the plan and because of regulation 654, it is always necessary to put more money into the plan. I am not sure that doing an annual valuation would save any money and perhaps it might just add to the difficulties of getting the valuation done.

**Mr. Speaker:** A final supplementary. The member for London Centre.

**Mr. Peterson:** Supplementary: In view of this \$100 million extra which has to be provided out of his budget this year, the next year and the next year, and given the rapid inflation we are facing today and the fact that on average the employers' portion of the pension under teachers' superannuation now is running around 15 per cent annually—and that's on top of the teachers' contribution, which makes something over 20 per cent a year of annual salary going into pensions—and we don't fully know the extent of the unfunded liability until there is a re-evaluation every three years, doesn't the minister feel that it must be done on an annual basis? Failing that—

**Mr. Speaker:** Order. The question has been asked.

**Mr. Peterson:** —we have absolutely no idea of our liabilities in this province.

**Hon. Mr. Wells:** I think my friend has illustrated one of the real problems that faces all of us here today—

**Mr. Peterson:** But you are not doing anything about it.



**Hon. Mr. Wells:** —which is the amount of money that is going into public service pension plans. That is one of the reasons, among others, that we have set up the commission to study pension plans. I think this is one of the matters, along with a whole host of others, that will have to be looked at.

But it seems to me that it will not matter whether the valuation is done three years or every one year; based on conditions today, it will result in more money having to be put into the teachers' superannuation fund and other public funds.

**Mr. Peterson:** Supplementary?

**Mr. Speaker:** No, we have had enough supplementaries. I'll take a question from the member for Windsor-Sandwich.

**Mr. Peterson:** In fairness, Mr. Speaker, we have only had two supplementaries.

#### CERTIFICATION OF LINEMEN

**Mr. Bounsall:** A question of the Provincial Secretary for Social Development, Mr. Speaker: She indicated in a letter to me some weeks ago that a decision to certify hydro linemen and power linemen in Ontario would be made shortly. When may we expect that long overdue decision, the original recommendation having been made last February? Is it correct in this regard that the Ministry of Colleges and Universities is planning to take over the Hydro training facilities in Orangeville?

**Hon. Mrs. Birch:** That was discussed after a meeting with Mr. Vincer representing the union local. I anticipate the decision will be made within the next two weeks.

#### HEALTH OF SENIOR CITIZENS

**Mr. Sargent:** I have a question of the Minister of Health. All across the province today—and I guess in Canada and the States too—each senior citizen in nursing homes and institutions will, I'm told by the authorities, on the average receive from six to nine medications per day, with the known result of complete senility in the majority of patients. If the minister is aware of this and if these figures are correct, and I know that over the years I've been going to these institutions—

**Mr. Speaker:** I've yet to hear a question.

**Mr. Sargent:** If he is aware of this, I would urge him to make a full-scale investigation to bring out all the facts: One to the effect that to the authorities most of the illnesses are doctor-induced—

**Mr. Speaker:** There still has not been a question asked.

**Mr. Sargent:** My question then is, if he is concerned, will he give us a full-scale investigation?

**Hon. Mr. Timbrell:** I really don't think I've heard enough to warrant a full-scale investigation yet.

**Mr. Sargent:** Then a supplementary. Based on the fact that the Speaker has been allowing four supplementaries, I can give the minister lots of information here now. Forty per cent of the patients—

**Mr. Speaker:** Order. You still haven't asked the question.

**Mr. Sargent:** I'm going to ask it again.

**Mr. Speaker:** A question should begin with when, where, why or how.

**Mr. Sargent:** Will the Speaker please de-cease? I believe that this matter is not a laughing matter.

**Mr. Speaker:** Order.

**Mr. Sargent:** Will the minister tell us why he will not give us a full-scale investigation because the authorities are much concerned, and I've said so.

**Hon. Mr. Timbrell:** The hon. member has stood here this morning and rattled off some figures. I don't know their source. I don't know if they've got any semblance of validity. I don't know that they bear any resemblance to fact. On the basis of that he wants me to spend I don't know how many dollars, and expend whatever amount of time on what he calls a full-scale investigation.

I'll look at what he has said. I'll put it to my extended care people to see if there's any validity. I'm in estimates next week and, as in other years, I'm sure we'll have a great discussion.

**Mr. Sargent:** Well, that's sure as hell a good start anyway.

#### STUDENT ASSISTANCE

**Mr. Philip:** I have a question of the Minister of Colleges and Universities, when, where, why and how, now that Bill Clarkson, the student awards branch director, has stated to the press that safeguards will be prepared concerning the income tax information of the parents of students applying for grants, will the minister table the details of the safeguards in the House?

**Hon. Mr. Parrott:** When all of the details of the new assistance plan are confirmed and finalized, we'll be pleased to give the member all of that information, not only here in the House but to him personally.

**Mr. Philip:** Supplementary: Has the minister yet costed this new information gather-



ing program and will he also be prepared to table that information?

**Hon. Mr. Parrott:** I'm not sure that I'm quite fully aware of the question. Is it the costing of the program of gathering the information on the student assistance program, or on the assurance that there'll be confidentiality in the records relative to income tax?

**Mr. Philip:** Supplementary—

**Mr. Speaker:** We have only got about two minutes left.

### GUELPH CORRECTIONAL CENTRE

**Mr. Worton:** I have a two-part question for the Minister of Correctional Services. One is, how did he find things at the Guelph institution? I noticed he had a visit. Secondly, has he had an opportunity to review the contract with the people who are operating the abattoir, and are they meeting all the requirements of that contract, and is the public who is dealing with them protected as well as the government?

[11:15]

**Hon. Mr. Drea:** I found things very fine, not only at Guelph Correctional Centre, but also—I know it would be of interest to the member—in the Guelph Jail itself. I really haven't looked at that aspect of the Guelph beef centre contract. I will. I would like to point out, though, in connection with the Guelph beef centre, that there has been a question raised that will be of interest to the members, and that revolves around protection. As you know, Mr. Speaker, that is the first project where inmates and civilians work side by side where there is a bargaining relationship. There's a certification by the Ontario Labour Relations Board and a ratified contract.

The question has come up about attendance at union meetings. What we intend to do is to allow the full-fledged members of the union, that is, the ones who have passed the 90-day probationary period, temporary absence passes—

**Mr. Reid:** Is this a ministerial statement?

**Hon. Mr. Drea:** —to attend on the outside. As to the rest of the beef centre contract, I haven't looked into it, but I will. I know there's a \$15,000 cheque—

**Mr. di Santo:** Answer the question.

**Hon. Mr. Drea:** —that arrives on my desk once a month, the licensing fee, but I will get back to the hon. member as soon as possible on it.

**Mr. Worton:** Supplementary: I am aware of the fact that they have got union agreement, and I am pleased that that has been brought about. What I am concerned about is the continuing rumours I hear that things are not going as well as they did before and they're in difficulties. I think that that should be clarified to make sure that it is either operating properly or not.

**Mr. Cassidy:** Will you allow them to go on strike?

**Mr. Speaker:** The time for oral questions has expired.

### INTRODUCTION OF BILLS

#### NEGLIGENCE AMENDMENT ACT

**Hon. Mr. McMurtry** moved first reading of Bill 94, An Act to amend the Negligence Act.

Motion agreed to.

### ORDERS OF THE DAY

House in committee of supply.

#### ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

(continued)

On vote 1604, Ontario Provincial Police, management and support services program; item 1, office of the commissioner:

**Mr. Chairman:** Are there any comments or questions on item 1 of vote 1604?

Shall item 1 carry?

**Mr. Stong:** I'm sorry, Mr. Chairman, I was just preoccupied with speaking instead of being prepared for these estimates here.

On this particular item, office of the commissioner, I wonder if the Solicitor General can give us a rundown of the number of personnel employed in the office of the commissioner and the duties of each of those people? It seems that there's a tremendous amount of money allocated for this particular office. I'd like to have a breakdown of the almost \$700,000 that is designated for that particular office.

**Hon. Mr. MacBeth:** I can give you their names, Mr. Chairman.

First of all there is the commissioner himself. Then we have two deputy commissioners, Commissioner Erskine and Commissioner Grice. Then we get into the assistant commissioners. They are the heads of the various branches of the OPP.

You asked for numbers—19 is the number. I can give you the names if you wish.



**Mr. Stong:** I am not so much interested in the names as job descriptions, because there's so much money allocated for that particular item. There are 19 people employed by that office. I'm just trying to ascertain where the money is going.

**Hon. Mr. MacBeth:** Most of them are the senior officers of the staff who are in charge of the various divisions that we'll be dealing with later. Then, of course, there is support staff in the way of secretaries and that type of thing.

I can read to you the description of the office of the commissioner:

"The office of the commissioner provides for the control and management of the force, the overall policy direction and co-ordination of operating programs in the achievement of force objectives. The commissioner's immediate support staff includes two deputy commissioners, J. L. Erskine, in charge of operations, and K. W. Grice, in charge of services.

"Under operations there is the field division, the traffic division and the special services division, each commanded by an assistant commissioner. Under services, there is the management division, the staff services division and the staff development division, each under the command of an assistant commissioner.

"Policy analysis secretariat: The policy analysis secretariat serves the commissioner's office in the development of, or response to, policy initiatives in order to assist in a more effective decision-making process.

"Staff services division: This division provides the technical support function which is essential to the operational efficiency of the force. This is maintained through the technical services provided by the four branches of this division, namely, central records and the communications branch; the quartermaster's stores branch; transport branch; and community services branch.

"Management division: This division is responsible for providing effective and efficient leadership and management of the administrative support services of the force; developing operational policies, procedures and methods to achieve overall objectives of the force; registration of private investigators and security guards, firearms and the management of the accommodation and leasing requirements of the ministry. The four branches under its control are staff inspections, planning and research, properties and registrations."

So there are a good number of people included in that office and I have read to you some of the responsibilities that they look

after. It is the senior staff of the force who are included in that vote.

**Mr. Stong:** I noticed in the public accounts report from last year that there was Management Board approval of over \$200,000 over and above the estimate. I'm wondering if there were supplementary estimates before the House, with respect to that \$222,600, making a total of 858,600. The amount of money spent in that office last year was over \$800,000, and then there's an estimation of \$678,000 this year—whether it's realistic or whether there's going to be supplementary estimates. If there are only 19 personnel employed by that particular office, why is the estimate and the allocation so high? I know the job description is there but if the personnel figure is so low—unless I have got the figures wrong here from what you are quoting—why is there so much money allocated to that particular item and that particular office? It seems to be a co-ordinating office.

**Hon. Mr. MacBeth:** Mr. Chairman, the salaries are, in fact, based on actuals. Working them out, we can supply you, if you wish, with the individual salaries involved. In the 1977-78 estimates for regular salaries we have \$568,300, and I think that what you are asking for is a breakdown of that figure. Is that right?

**Mr. Stong:** Is it correct there are only 19 people employed in that office and that the total salaries are \$568,000? Am I correct with that?

**Hon. Mr. MacBeth:** That's my understanding.

**Mr. Stong:** I would like a breakdown of those salaries, if I could, please. If you don't have them now I would appreciate it if you would supply them to me.

**Hon. Mr. MacBeth:** All right. We will be glad to do that but they tell me that that works out all right with our figures. There was an increase last year and there will likely be one again this year in connection with salary increases which are picked up later on in the supplementary estimates. But those figures are based on working out the actual salaries.

**Mr. Stong:** Does the \$222,600 represent salary increase in last year's public accounts report? If it does, and the total is \$858,600, why are we estimating only \$678,000 this year to cover the same people and the same job description, and was there a supplementary estimate presented to this House approving of that increase of \$222,600?

**Hon. Mr. MacBeth:** I am informed that they were done not by supplementary estimates but by Management Board order.



**Mr. Stong:** All right, that's one part of my question. Does that represent salary increase, and if it does, why isn't it being included in this year's estimates?

**Hon. Mr. MacBeth:** As I understand, it does represent all salary increases and benefits. I also understand that it is being picked up in this year's estimates. Is that correct? Yes.

**Mr. Stong:** As I read the estimates, you were asking for \$678,700, being estimates for 1977-78. The actual spent last year was \$58,600. There is almost \$200,000 difference there. I don't know why that discrepancy should exist.

**Hon. Mr. MacBeth:** I think it's as simple as this, Mr. Chairman: The increases in salaries this year are not, of course, shown in that estimate figure, so in all likelihood there will be an increase again—maybe not as much this year because we hope that the increases will not be the same as they were last year. But there will be a Management Board order if, as and when increases are given to increase the amount in the estimates that are shown here.

[11:30]

**Mr. Stong:** I must be missing something. As I read the public accounts committee, there was an actual expenditure of \$858,600 which included an increase, because you presumably needed it for salary increases last year. The personnel has not decreased, I assume, but unless the Solicitor General is going to cut those salaries and then ask for increases again, I don't know why he is not starting with an estimate for this year of \$858,600 instead of \$678,700.

While I am on my feet, I must say I was not aware that Management Board could approve increases. I thought it had to be done by supplementary estimates and approved by the House. In fact, we had almost \$223,000 approved by Management Board last year without the matter being presented to the House. I am wondering if that is proper. I understand it is not, but I am open to being corrected. I don't know how we can approve a vote when we don't have all the facts at our disposal.

**Hon. Mr. MacBeth:** Mr. Chairman, I must admit I am having a little problem with the matter myself. The estimates are based on 1976-77 salaries. The 1977-78 estimates will have to be increased by the amount of the salary awards in April 1977. But the point I think that the hon. member is getting at is that the figure of \$678,700 which we have shown in our estimates for the current year is less than the public accounts show that we spent for salaries last year. Is that the point he is making? Yes. I am sorry I can't give

the hon. member an analysis of that right now, but we will have it for him later on in the morning.

**Mr. Stong:** I understand that the Management Board orders must be published in Ontario Finances, and I am wondering if that was done?

**Hon. Mr. MacBeth:** My information is yes, they are all published, and in this case they were published.

**Mr. Stong:** Would the minister's staff be good enough to indicate to me when and where, just for my own personal knowledge and assistance?

**Hon. Mr. MacBeth:** Probably last March, but we can get specific information on it for the hon. member.

**Mr. Stong:** Perhaps this could be stacked until we have the figures showing the differences because, unless I am missing something that is very obvious, I am not satisfied with the minister's justification or answer to the discrepancy in the figures I have pointed out. I wonder if perhaps we should stack this until I get a satisfactory answer.

**Hon. Mr. MacBeth:** I certainly have no objections to that, Mr. Chairman. The member is entitled to the answer. It is a fair question and he is entitled to a better answer than he has been given.

**Mr. Chairman:** Does the committee agree that we will defer item 1 until the information is available?

**Mr. Lupusella:** Mr. Chairman, I think we should not proceed with item 1. We are dealing with a large amount of money and I think we need more information and a better explanation in relation to how the money is spent. I fully support the suggestion that has been made by the member for York Centre. I think we have to withhold approval of this item until it is fully explained to this committee.

**Mr. Stong:** I would like to just dwell on this item for a while other than on the figures, because we will get back to the figures.

I would like to know—perhaps I am trying to zero in on the role of the commissioner and his office with respect to the management and control of the OPP. That seems to be one of the highest. We look at other items under this vote and we have higher amounts. But then we would expect higher amounts to be allocated to those other items because there is greater staff and staff development and one thing and another involved.

But the more than half a million dollars that is designated towards the office of the commissioner seems to be a very significant



amount of money. I'm wondering if the minister could break down or explain more completely the role of the commissioner in the spending of this money. I'm interested in the actual monthly or daily type of routine that the commissioner is involved in with this office and this item. Could we get some kind of an appreciation of just where this amount of money can possibly be spent?

**Hon. Mr. MacBeth:** Yes, it would be a case of simply dividing the 19 into the sum that we have in order to come out with a figure.

These are the senior officers of the force. I was just dividing \$20,000 into the 56 and it comes out to about \$28,400, something of that nature. These senior officers are paid greater salaries than that; so, as I've said: we'll give you a list of the senior officers and the salaries that they each receive. I think you'll find that it balances out all right. At least, I hope you find that. I'll want to know if they don't, too.

You wanted to know what the commanding officer of the OPP does on a day-by-day basis. His is an administrative job, coupled with a great deal of travelling about the province. He has, of course, the responsibility for the effectiveness of the force on his shoulders, the responsibility of the complete operation. He has the status of a deputy minister and reports to me, although we have close liaison with my own Deputy Solicitor General, because I am away from the office so much. The commissioner is stationed on Harbour Street, and he and my deputy are really the liaison between the ministry and the work of the OPP.

But he, himself, as I say, has the rank of a deputy minister, and, of course, does report directly to the Solicitor General.

I don't know what I can tell you on his day-to-day operations, any more than I can tell you about the manager of any other business spending the millions of dollars that the OPP spends. These are all his responsibilities. The questions that you were just asking refer to his responsibility, as well, as I say, the policing of a good part of this province.

He does what any other businessman carrying out that type of operation would have to do, as well as the responsibility of command which is over and above the administration end.

**Mr. Stong:** I referred to the item that's called "services." In the estimates \$27,600 is allocated for those services. Could you break that down? Is part of that for entertainment, for instance? I'm thinking, perhaps, of having

workshops or things of that nature for visiting dignitaries or visiting police officers or commissioners or chiefs of police. Is that involved in services, and if so, could you break that \$27,600 figure down for me?

**Hon. Mr. MacBeth:** Under conferences and seminars—\$20,000; so there would be some of the money the member was asking about. Photo copy rental—\$5,000. Membership fees—\$600. That, I assume, is in regard to membership in various police associations. Repair and maintenance: \$2,000; that adds up to \$27,600.

**Mr. Chairman:** It was suggested by members of the committee that we still defer this matter. Is the committee agreed?

Agreed.

On item 2, staff inspection:

**Mr. Stong:** I wonder if the minister could give us an idea of the number of personnel involved in the salaries of \$333,000?

**Hon. Mr. MacBeth:** Twelve, Mr. Chairman:

**Mr. Lupusella:** Before carrying this item, I would like to ask a few questions of the Solicitor General in relation to services.

There was no expenditure on the actual cost in 1975-76, and in the estimates for 1977-78 there is \$1,000 involved. Can the minister explain the activities taking place in relation to services? What kind of activities are carried out to justify this \$1,000?

While the Solicitor General is getting the information, I am most interested in \$2,600 for supplies and equipment. Again I want to make the same comment. On the actual cost in 1975-76 there was no expenditure. I would like a breakdown of this cost to justify the use of this money.

**Hon. Mr. MacBeth:** The \$1,000 is the cost of repairs, and why it wasn't shown earlier is that these items were previously charged to a central account. That applies to the question in regard to supplies and equipment as well.

Under the item of \$2,600 that the member asked about, tape recorders accounted for \$2,500 and office furniture accounted for \$100. I trust that these tape recorders are not of any electronic significance, but are simply for taking dictation and things of that nature.

**Mr. Lupusella:** On a point of clarification about the supplies and equipment, do I take it, then, that the equipment which is in the office is rented by other companies? Is that what the Solicitor General is trying to tell us?



**Hon. Mr. MacBeth:** No. They were just charged in a different account last year. All of the items of this nature were charged to a central account last year. In the estimates this year we are charging them to the actual office involved.

Item 2 agreed to.

Item 3 agreed to.

On item 4, staff development:

**Mr. Stong:** On this item of staff development, I assume that this is basically the same item that was used last year. Does it include in-service training, this staff development item?

**Hon. Mr. MacBeth:** That is what it does do.

**Mr. Stong:** Does that in-service training pertain to police officers, cadets, or what is the in-service training that is referred to in this vote?

**Hon. Mr. MacBeth:** The expenses involve here deal mostly with the OPP college on Sherbourne Street, where they have their own instruction apart from the college at Aylmer. This is more specialized instruction and limited to OPP personnel. This is one of the establishments which I think it would be well worth while for the opposition critics to visit with me and see just what goes on there.

[11:45]

It's an old building on Sherbourne Street, with a drill hall at the back and a lecture hall. The officers come and stay there for their length of time in Toronto. They come from all over the province and take a variety of courses. And, as I say, this is entirely apart from the Aylmer college.

**Mr. Stong:** The staff development aspect of salaries and wages would include the teachers or the professors at this college, I assume, and the employee benefits would relate to those teachers. I'm asking these questions so that again I can get an idea of where the money is being spent. I can understand the drastic increase because two votes have been combined; so that settles that aspect of the question for me.

**Hon. Mr. MacBeth:** The assumption is correct.

**Mr. Stong:** For the services we are dealing with, for which there is an estimate of almost \$400,000, could the Solicitor General provide a breakdown of those services to give me an idea of where that money is being allocated? And could he tell me why there would be transportation costs, particularly when this is directed towards a college which I assume is in one location.

**Hon. Mr. MacBeth:** The details of the services are as follows: Photocopy rentals, \$6,000; computer and EDP rentals, \$39,600; training and educational services, \$188,600; management consulting services, \$27,000; advertising, \$16,500; medical services, \$10,000; psychological services, \$22,000; career development, \$26,600; university, full-time—some of the people are given opportunities to take university courses—\$2,300; management development, \$60,000; and that totals \$398,600.

There are some 42 people involved in this. They don't do all of their in-service training at Sherbourne Street—they do travel across the province as well—but some of the travel expenses are of course for bringing the officers to the Toronto base and sending them back again, both before and after their courses.

**Mr. Stong:** Mr. Chairman, this may be an appropriate time to get a confirmation from the minister—I am waiting for a confirmation of this as well but I haven't received it yet. I was advised on my way into the House today that there was a radio broadcast this morning wherein it was alleged that there is in fact a quota placed on the police departments with respect to issuing tickets. One broadcast, it was reported to me, even indicated that cadets were advised that they would have to issue something like 25 tickets a week at a minimum, I believe. I don't have confirmation of that; it was reported to me on my way into the House.

I am wondering if the minister is aware of any broadcast or whether in fact that is happening despite our conversation on this the other day.

**Hon. Mr. MacBeth:** I have just asked Commissioner Graham whether he has any quota and he assures me the OPP do not have such a thing. I think the member is referring to an article that appeared in the Sun this morning. I will be pleased to send a copy across to the member. It refers to one of the divisions of the Metropolitan Toronto Police and it is suggested there that they have a little bit of a contest on. I'll get further information on that.

From a practical point of view, of course, people talk about these quotas from time to time—and we dealt with it very briefly the other day—but the work of all of the officers in any force is supervised and people naturally are looking at the number of charges that an officer lays, depending on what kind of work he is doing, of course. If he is doing public relations, you wouldn't expect any; but if another officer is laying three times as many charges, I suppose if the supervising



officer is doing his job he is going to speak to the two and he may say, "Why are you laying so many and why is somebody else laying so few?" It's the same kind of comparison one makes in the estimates; when you see one figure that is apparently out of line, naturally you ask some questions about it. I think that happens with officers, too. They wonder, "Well, where is he? Is he in the coffee shop or is he out on the beat?"

My understanding from talking to police chiefs across the province is they all shun any kind of quota system, but that they all must admit that when they're appraising an officer's value, all facets of his work are taken into account, and whether he's doing the job is naturally one of those things they consider. But certainly his work is not simply based on the number of tickets he issued. But this concerned me enough to have it clipped this morning and we'll get some information on it.

**Mr. Stong:** I might say I was advised yesterday of a case, and I'm checking into it, wherein an individual faced some charges arising out of the same set of circumstances. It concerned a car involved in an accident and a subsequent leaving of the scene and an ending up in the ditch. I'm advised that this entire episode was under observation by a police officer who was in pursuit, and that as a result of this incident there was a charge of impaired driving laid, a charge of going over 80 laid, a charge of dangerous driving laid and two counts of failing to remain.

Now to me, that would seem to be an excessive number of charges, if my facts are correct. The officer laid this number of charges, some six charges arising out of the same occurrence, when perhaps an impaired driving or a failing to remain charge would have sufficed.

The failing to remain involved a car that was initially hit in driving over a lawn that was damaged by tire marks. Two failing to remain charges were laid in those circumstances. It was a continuing offence and it took place, I understand, over about a quarter of a mile.

I'm wondering if this, in fact, isn't the way the crime statistics or charges are compiled, or perhaps police officers in their enthusiasm to earn promotions are, in fact, laying six charges where one or two would cover the situation.

I'm not complaining about the impaired driving and the over-80 charges; that's a matter of course, and the courts don't proceed with both, anyway. But to have two failing to remain charges laid under the same

circumstances would seem to be perhaps over-charging or unnecessary duplicating which require paper work at one end through the justice of the peace and the administrative offices, a long court list, more statistics being compiled. Maybe it's conducive to plea negotiation, I don't know, but it would appear to me to be the type of thing that is happening all too frequently.

The report that I was advised of on the way to the House this morning would tend to substantiate it, that perhaps overly enthusiastic police officers are trying to obtain promotions by this type of activity, which is not really fair, in my estimation, to the driving public, even though the driving public in this case is at fault. There's a matter of being at fault, but then being over-charged or harassed is another matter. I'm wondering if the minister is aware that that is going on, or, in fact, is going on with such frequency that it should be looked into?

**Hon. Mr. MacBeth:** It's certainly one of the confusing items when it comes to statistics. In other words there could be many offences committed, and if you leave out some of those, are you getting a true picture of the number of people who leave the scene of an accident, for instance? You may say, "Oh, well, we've got him charged with impaired driving or some other charge, we won't worry about the fact that he's left the scene of the accident because we feel we've got all the evidence we need on the other charge." If you don't lay those charges, then your statistics on the number of people who leave the scene of the accident would not be necessarily correct.

But, when you say they have got two charges out of the same incident on the same offence, I certainly don't know why that would be done. As we all know, in many of the Criminal Code charges the more serious offence includes the lesser offences as well, so there would be no need to lay charges for the lesser offences. But certainly, yes there's a great problem in getting statistics of this nature straightened out because of the multiplicity of charges that might be laid stemming from one accident.

I certainly don't condemn the police for doing it. In other words, on many occasions they have very good reasons for doing it. Maybe they're not sure of their own evidence and how that evidence will stand up in court. Perhaps they would like to be able to prove the most drastic offence that has been committed. But maybe the judge, for some reason or another, will feel sympathetic to the person on that basis. He would be quite happy to convict him of some lesser offence, but he



won't be obliged to put the same type of penalty on him.

There are a variety of reasons, as we all know, for laying a variety of charges. First, the matter of evidence. Secondly, the matter of the attitude of the judge involved and the record of the person which, of course, the police don't always have before them at the time. I'm not saying that the practice is necessarily a bad one, but certainly when they would appear to lay the same charge twice out of the one offence, I certainly can't account for that.

The policy is something that I'll be pleased to discuss with the Attorney General. It, of course, doesn't only affect the laying of the charges but the entire administration of the law.

I've just been handed a note here that Crown attorneys instruct the police as to what to do in this regard and they are also influenced by the area judge. I think I mentioned that in my earlier remarks that it depends on the attitude of the various judges involved. But the subject is certainly one that we should keep an eye on and I'll be pleased to discuss it with the Attorney General further as to these multiplicity of charges.

**Mr. Stong:** These charges were not laid by the Ontario Provincial Police. In my relationship with the Ontario Provincial Police I find that police force to be much more reasonable when dealing with the public than some of our regional police forces. But I see no reason whatsoever for laying a dangerous driving charge as a back-up to an impaired driving charge, for instance, or a duplicate failing to remain charge under the same set of circumstances.

Is this how crime statistics—statistics on the increase in crime—are compiled? Is it by the number of charges laid or the number of convictions obtained? I'm not sure and the answer to that is what I've been asking in these estimates right from the beginning.

**Mr. Chairman:** I'd just like to remind the hon. member that we're on staff development. I feel maybe he's jumped over to the next vote—law enforcement.

**Mr. Warner:** This is a good question.

**Mr. Stong:** I'm sorry. I thought we were talking about staff development and training all combined. I'm just trying to ascertain whether in fact this is a policy—

**Mr. Warner:** They are trained to do the things he's talking about.

**Mr. Stong:** For instance, I'm aware that the Crown attorney's office is consulted, but not on a routine basis and not on a regular basis. They are consulted only in the event that there is something that the police officers or the staff sergeant or the man in charge of

the police station feels he should get advice on. But on highway traffic matters, moving vehicle matters, Crown attorneys are hardly ever consulted except in the case of criminal negligence causing death, for instance, and that type of thing. That's the basis of my question.

Are these charges responsible for the statistical increase we hear about once a year? If it is it would mean that a chief who is looking for an increase in the complement of his staff is going to tell his men, "Lay a multiplicity of charges arising out of the same set of circumstances because it will show on the board over here and show an increase in crime and justify my demand for more staff." I don't know. I'm asking the Solicitor General if he has investigated that situation and if that could be the policy that is employed—not by the OPP necessarily, but by the regional police forces and Metropolitan Toronto police force as well?

**Hon. Mr. MacBeth:** I think I mentioned when we first dealt with this that it was a matter our Justice policy field was dealing with—the matter of statistics. You get the statistics people from Ottawa who are concerned with it as well—certainly the various chiefs of police.

[12:00]

As I mentioned to the member, and I'll send this across to him, there is a system at the present time that Statistics Canada has set up. But let me read this into the record:

"Statistics Canada, in co-operation with the Canadian Association of Chiefs of Police, has developed uniform crime reporting rules for use by police forces throughout Canada. These rules were published in January 1962, full details of which can be seen in the Uniform Crime Reporting Manual. These outline: 1. what to score; 2. when to score—I don't like the use of that word "score,"—and 3. how to score crime statistics.

"Police forces in Ontario follow these rules in reporting crime statistics and there is, therefore, no duplication or inflation of police statistics. Example:

"1. A person charged with more than one type of offence is scored only once and against the more serious offence.

"2. Persons arrested for other police forces are not counted, as they will be counted by the police force concerned.

"3. The general rules of scoring are described in the attached pages."

I don't intend to read those because they're very finely printed, but that's what I'll send across to the member.



"All police forces in Ontario send monthly reports on crime statistics to Statistics Canada, which compiles them into an annual report. The last report, for 1975, was released about two months ago.

"Ottawa Police Force officials offered the following comments on the statements made by some defence counsel in Ottawa on police statistics:

"1. They do not know what statistics the defence counsel use to support their statements;

"2. The statement is based on a lack of understanding in how police and court statistics are reported and compiled; and

"3. The defence counsel did not have the courtesy to seek a clarification on their findings from the Ottawa Police Force." I think those last remarks concern what the hon. member for Ottawa East (Mr. Roy) asked about.

"Statistics are kept on occurrences. Where multiple charges are laid in one instance, it is only counted as one occurrence." I agree that there is some confusion on it; whether we in Ontario can help them get that straightened out or not, I don't know, but, as I say, our Justice policy secretariat has it under study.

**Mr. Stong:** I appreciate getting that material and I accept the minister's word that only one charge and one registration of an occurrence is a result even though multiple charges may have been laid.

**Hon. Mr. MacBeth:** When the member says he accepts my word, I don't want to stand very strongly behind that word.

**Mr. Reid:** That's the quote of the year.

**Mr. Stong:** Going back to this item, we're dealing with what I understand to be the police college, which is here in Toronto and deals with the training of personnel. In the list of figures quoted by the minister there was an amount of \$16,500 for advertising; if this is an in-house type of college dealing with police officers, why on earth would there be advertising required? He also mentioned an expenditure of \$22,000 for psychological services. I wonder if the minister could go into that. What happens? What is a psychological service? Are police officers subject to examinations if the professor or teacher calls for it? What is that \$22,000 expenditure for?

**Hon. Mr. MacBeth:** The advertising is for recruitment ads across the province, suggesting that the OPP is not a bad force to join.

Psychological testing continues to be utilized in screening force applicants. Four tests are administered by trained field personnel. These are: one mental ability or IQ test, one

written communicative skills test and two personality inventory tests. Completed tests are scored by trained personnel in the career management branch and clinically assessed by a psychologist. That is what that item would cover.

How many psychologists do we employ? Do we know that? Just one psychologist.

**Mr. Warner:** I want to follow that up. Could the minister tell me for how long those tests have been used, over what period of time and when the ministry first started using them at the college? Secondly have you done any comparative studies? Since the tests have been in place, have you had a decrease in the number of police officers you have had to let go from the force because they haven't been fitting in properly with the way you want things done as opposed to those figures prior to when the tests came in?

If the minister catches the general drift of my question, there have been some concerns about how valid or how important it is to give psychological testing. Do we have any information that backs up the premise that it's a good idea to be doing psychological testing of applicants? Do we have any information that would back up that contention?

**Hon. Mr. MacBeth:** My information is that we have been doing it for some three years—the program obviously began after many of our present senior officers were taken on strength. At the present time we are doing it with recruits. As far as they are concerned, they are weeded at that point. It's not a case of taking them on strength and then letting them go afterwards. They feel that it is working successfully with the recruits and that they are screening out the bad ones.

**Mr. Warner:** Then I take it also that if you don't have the comparison at this point—and perhaps after three years it is probably a little too soon to be able to tell—you do intend to keep those kinds of figures so that we will have some way of evaluating the worth of the psychological testing. If over a course of years there are fewer officers whom you have to let go as opposed to prior to the institution of the psychological testing, then I would take it that that is a measure of success of your testing program.

Secondly, is it the intention of the ministry to—perhaps "coerce" is too strong a word—make it known to all of the police forces around Ontario that this is what they should be doing, since you are doing it yourself? That the regional forces should be doing that across the province?



**Hon. Mr. MacBeth:** Yes, we do encourage that through the OPC and otherwise. They are all in touch with one another and they know what we are doing. Certainly all the smaller forces don't do this but the major forces do. We encourage them and ask them to do just that. I understand we do keep a record of the numbers of applicants that are rejected because of their failure to pass these tests. Over the course of the years we should be able to prove whether there has been less need to let people out after they have completed their training.

**Mr. Lupusella:** Carrying on the item about the psychological tests, when the applicant is applying to get into the police force in the event that he won't be hired as a police officer, is that statistical data related to the psychological tests kept by the police force or destroyed?

**Hon. Mr. MacBeth:** The question is, when an applicant has failed to pass the test, whether or not we retain a record that applicant X has failed to pass because he failed the psychological test. The answer from the commissioner is, yes, we do.

**Mr. Lupusella:** For how long do you keep the statistical data? I am really concerned about psychological tests. I don't have any idea how the test is carried out and what the criteria are. Is the department just asking questions of the applicant? Is the applicant supposed to answer questions through a practical format of questions and answers? I really don't understand why a psychological test must be kept by the police force, even though the application has been refused and the applicant has pursued another course. I am unable to see any reason why you are keeping this record.

**Hon. Mr. MacBeth:** I suppose just for the reasons that the hon. member for Scarborough-Ellesmere wanted to know what statistics we were compiling as to our success or failure in this case. Certainly, if we retain the man on the force, and he has passed this test and then subsequently for some reason he gets into some deviant behaviour or something that makes us question why we ever took him on in the first place, then we would like to go back in his records and say, "He passed his test and therefore in this case the test was not very effective."

For those who go, I don't imagine we keep them very long. I suppose we keep them in case he should apply again to us in some other—I shouldn't say in some other name, but sometimes he applies again. Rather than go through the whole process we can say, "You applied at such and such a date and didn't pass, and we have a record of it." I

don't imagine we keep those very long on the applicants who are not successful. But certainly we have got to keep them for a little while.

**Mr. Lupusella:** If I can relate an item which is included in the 1976 report. We can relate my argument with the concern which was raised by the member for York South (Mr. MacDonald) in relation to the quota system or the number of tickets which police officers are supposed to show to their superiors, or to their peers. The Solicitor General has been stating that the number of tickets is really not of account in showing whether or not the police officer has been performing his duty until he returns to the police station. I can buy the argument to a certain extent. But in human terms I am sure that the superior is watching the number of tickets—or the quota system, which the Solicitor General has been denying previously.

In human terms, I think that that is a regular procedure, unless the Solicitor General can show otherwise, with strong arguments what the criteria are which the police officers are supposed to follow to show their superiors that they are performing their duty regularly on the street—if they are involved with traffic, or if they are carrying on an investigation. In human terms I can't buy such an argument, taking into consideration that the problem might lie in relation to this kind of accountability from the police officers to their superiors when they return to the police station. That's the only evidence they can show that they did perform their regular duties on regular terms.

I hope the Solicitor General will give us a better explanation in relation to the whole situation, and the attitudinal approach of the police officer when he returns to the police station.

[12:15]

The reason I am raising this particular concern is that if this situation does exist, then we can in some way relate the kind of attitude—which I have been describing since the estimates started—the attitude of police officers in relation to the public and the kind of complaints which have been raised by representatives of the public condemning that attitude. Maybe the reason why there is a rash of ticket writing, is that police officers are under stress. They are really concerned that when they go back to the police station, they feel that they must justify what they have been doing with the five or six hours they have been on the street.

The Solicitor General tells me that I'm accusing the police officers. I've been trying to explain, through the course of my arguments, that maybe there is something wrong



in relation to the attitudes and the policies of his ministry. I have been blaming the ministry for not providing, or for not undertaking, certain measures which can justify the means of the police officer.

In human terms I think that, maybe, if there is any way in which we can justify the attitude of the police officer when he is approaching the public, it is in the psychological sense. I don't want to sound like a psychiatrist, but the psychological effect on the police officer of going out and trying to perform his duty, going back to the police station, trying to justify to his superiors what he has been doing in the course of his duty—this stress and hypertension affects the officer in some way when he is approaching the public.

It's something which the Solicitor General is supposed to respond to, because I think that that's the main problem. The Solicitor General is trying to convince us that there is no quota system, that the police officer is not supposed to show a number of tickets as accountability to his superiors. I'm not convinced of this. I'm sorry to say that, Mr. Chairman. I think that the Solicitor General should investigate the whole process, especially in Metropolitan Toronto where the public is complaining about the attitude of the police officer when he is approaching the public.

I don't want to carry on with this because I have already touched on several points in my previous statement, but I'd like to have answers to that problem.

Before ending my comments, I refer to the annual report, 1976, and the statistical data on page 48, concerning crimes such as traffic offences cleared by district. Can the Solicitor General explain to members of the committee who is clearing those offences and how are they cleared? Are they cleared by the judicial process or cleared by the police stations or police officers? I would like to have a detailed explanation in relation to the statistical data.

In appendix F, we have criminal offences, not traffic, cleared by district. I don't want to go into the percentage area of the clearance but I would like to have a detailed explanation of who is clearing those offences. Is the clearance coming as a consequence of the judicial process or the police station? Those cases are not presented before the court of law. I would like to have an answer to that.

**Hon. Mr. MacBeth:** I understand that when the police refer to an item as cleared it simply means their file on the matter is completed as far as they are concerned. In

other words, many police investigations do not get terminated because they do not come up with an answer. A missing person, for instance, may stay missing, or in a crime, if for one reason or another the offender is not caught, that in a sense is not a cleared item.

On the other hand, if the police are satisfied they have brought the perpetrator of the offence to court, whether there is a conviction or whether there is not a conviction is not of great concern to them. If they feel they have brought the proper person to court, then it would be marked as a cleared item, or if a missing person has been located then it would be marked as cleared. A certain amount of judgement goes into it, but it doesn't necessarily mean there has been a conviction, but rather what I refer to as a closed file.

You asked for the criteria of assessment of the work of an officer, the implication being that the only way senior police officials could judge the work of an officer is in the number of tickets he produced. I say nothing can be further from the truth than that statement. The results achieved are the measure of the effectiveness of an officer. Naturally, when an officer is attached to criminal investigation it will be how successful has he been in discovering the perpetrator of the offence. In that case there may be some regard for his ability in getting convictions before court because the conviction depends on how thoroughly he has conducted the case and the kind of evidence that he has brought forward.

If you want to take a smaller community where many of our detachments are situated, I refer to the statements of the member for Parry Sound. It doesn't depend on the number of traffic tickets that have been involved but on the absence of crime in that community, the feeling of goodwill towards the police and the feeling of goodwill toward one another. There are many ways of judging the effectiveness of an officer.

From time to time I get words of commendation that the public have sent to me from municipal forces by reason of action of the Ontario Provincial Police force. The chiefs and the commissions involved, I am sure, get many other types of letters. They are letters of thanks for an officer who stopped when they had run out of gas or had given them some help at a time of sickness. These are the sorts of things that the policeman is judged on. They are personal assessments by his senior officer of his everyday work in the field and in the job that he is doing.



However, let's carry it one step further. The report of the highway traffic safety committee is presently a matter of concern. As you know, there are many recommendations in there. They deal with the matter of speeding. If an officer is sent out to try to catch speeders and a week later there are still as many speeders on that street as there were at the time the complaint was laid, then I would suggest that officer is not very effective. In that case, it may depend on the number of people he stops and the number of summonses that he issues as to how effective he is.

The member for Yorkview will be after me in the next little while to do something about more summonses in regard to the wearing of seatbelts. I have taken the other attitude to date, that this is new legislation. It was rather controversial legislation and I have let the police start with issuing warnings. So far that is good up to a point but there are many people who will not wear seatbelts in this province unless they are compelled to do so. The effectiveness of our seatbelt legislation and effectiveness of the safety on our roads and the saving of life and limb may depend on how many summonses we issue for the non-wearing of seatbelts.

I think that report recommends we should get tougher on this. In police work you just can't be nice to all people all of the time and expect to do the job effectively. As I said the other day, often in society the meeting of people with the police officer is the first time they have ever come into contact in this permissive day and age with anybody that has had to say no to them and say no to them firmly. Many people don't appreciate it when they meet a police officer who gives them a ticket. But if we want our speeding laws obeyed, and if we want our seatbelt laws obeyed, then we do have to issue these tickets. In some cases the effectiveness of our highway traffic work will depend on the number of summonses issued but in no way does that mean that the police officers are judged on the number of summonses that they do issue.

**Mr. Lupusella:** I would like to make a further comment to that. The Solicitor General is recognizing to a certain point that around the municipal forces in the province of Ontario he notices problems the public is complaining about. At least he is not denying that particular factor that a lot of people are quite dissatisfied about the attitude of certain of those involved with municipal forces. I hope that the Solicitor General is going to do something. He promised me he would

send my complaint to the police force to show there are inefficiencies within the system.

In relation to being nice to the public, again we get into different points of view. I think a police officer is supposed to be nice to the public. He is not the judge on the street. We have stated that in a very clear way. He is making sure that the law is enforced, and there is nothing wrong with that. He is supposed to carry on his particular duty but I cannot justify that the police officer is not supposed to be nice to the person with whom he is dealing.

Maybe the Solicitor General has a justification which I don't, but I think the difference which is existing between us is that the Solicitor General sees the police officer as having the discipline involved in this kind of para-military training which he got on the training course. I don't see the police officer in that way. I see a police officer as the agent who is trying to enforce the law but nobody is giving him the right of not being nice when he is approaching the person.

[12:30]

I am not blaming the police officer. He is involved in a particular situation in a particular environment and sometimes is showing a sense of dissatisfaction and a lack of morale to the public. That's a very human and reasonable approach which you might use when a police officer is not satisfied. Maybe that police officer is not taking some time with his peers. When he is going out in the course of his duty he might not project the kind of attitude he has to keep, reflecting the sensible service which the police officer is supposed to provide to the public—"To Serve and Protect."

Again I would like to see this motto changed to "To Educate and To Serve"—that's the emphasis which must be put. I really believe in that, and maybe the new motto should be emphasized on the new cars. I see a particular role of the police officer carrying on this particular task.

There is another concern I would like to raise to the Solicitor General. A lot of people have been talking to me and it occurred to me several times that maybe the summons was completely wrong. On the reverse side of the summons it clearly states that if there is something wrong the person should go to the police station to clarify the situation. Most of the time those people have been told by police officers and at the police station that they are supposed to go to court to clear the summons.



If there is a clear mistake which was committed by the police officer which can be justified by the person summonsed I don't see why the particular complaint shouldn't be cleared at the police station. I would like to have an answer to that. A lot of people are frustrated by that. A lot of people are going to the police station and are emphasizing that there is a clear mistake. Some of those people have been coming to my office to state that there was a clear mistake which could have been easily resolved at the police station. I don't see the reason why those people should be further frustrated.

They have to go to court just to tell the judge, "Your Honour, there is a clear mistake here. I have evidence that the summons is not mine," or maybe the licence number is completely wrong—and then the case is going to be dismissed. It is an increase of work for the judicial system and police officers could play a role in cutting it down if they could be shown a clear mistake which was committed by the police officer.

I don't see why the person should engage himself in such a bureaucratic procedure to go before the court just to justify to the judge that there is a clear mistake on the summons. If this clause is particularly emphasized on the reverse side of the summons, why are the police officers sending those people to the court? Can the Solicitor General respond to that?

**Hon. Mr. MacBeth:** Mr. Chairman, I have difficulty in responding to it. At one time we wanted the police to use more discretion. That's what we were talking about earlier. Yet when we get the police officers using that discretion I think my friend earlier in the day said that the police officer shouldn't be both judge and jury.

Police officers do have discretion in this matter and they don't want to be judge and jury. So if they feel the offence warrants something more than a warning, then in the interests of justice they can't be the ones who make these decisions. They have to send them off to the courts, which are, of course, the proper place to make that kind of decision.

So it's the old, difficult role of the police officers. We want them to have discretion. We don't want them to be issuing summonses or bringing people to court on slight charges, and yet they have the difficulty of seeing that the laws are obeyed.

I mentioned earlier the matter of seatbelt enforcement and speeding enforcement.

Generally, the kind of restraint that people will listen to in that case is only the imposition of a fine and, of course, the police officers don't have that power. It has to be the courts. So I don't have any more answers for the hon. member than we've already discussed.

**Mr. Lupusella:** Mr. Chairman, if I may, maybe the Solicitor General didn't pay attention to my statement. I didn't emphasize through the course of my point that the police officer should be the judge on clearing the ticket. I hope he will understand what I am trying to say, that when on the summons there is a clear mistake, not in relation to the offence, but in relation to the person involved—I gave you an example before, that maybe the licence number is not the licence number of the person who got the summons. I'm not talking about the violation itself. I'm talking about a clear mistake which maybe the police officer committed in issuing the summons in the first place. That's the kind of concern which I have.

**Hon. Mr. MacBeth:** Mr. Chairman, I'm not so sure whether the member wants the police officer to cancel that ticket when a mistake has been made. What is it that he's asking the police officer to do or the police to do when a mistake is made?

**Mr. Lupusella:** As I stated, let's say that I get a ticket and the licence number is not mine. It's a clear mistake that was committed by the police officer, not by me. If I don't have such a licence number, I don't see why I should have to appear before the court to show that I'm not the owner of the licence number.

**Hon. Mr. MacBeth:** Mr. Chairman, what is the hon. member suggesting should be done?

**Mr. Lupusella:** It's something that maybe can be cleared. I don't have any summonses here with me, Mr. Chairman, but on the reverse of the summons there is a particular clause which states that if there is any particular mistake about the ticket, the person should go to the police station. The police station instead is sending people to the courts, and saying, "Well, go there and justify your own mistake to the court."

**Hon. Mr. MacBeth:** Mr. Chairman, I'd be very much concerned. I know the police officers in charge do have some discretion in this matter when you take something into a station that is obviously wrong. But again, you have to be very careful once a summons of any nature has been issued to be



able to account for what happened to that summons. I would be very much concerned if I thought there was a general habit of taking summonses into police stations and have them destroyed there at that time. The summons has been issued and the court is the proper place.

It always amazes me how, when people will almost admit that they have created a fairly serious violation of the law, such as speeding or something of that nature, they can then be so self-righteous when the policeman has made a slight mistake in the time or the address or the writing of the number. I know the technicalities must go in favour of the person accused and I'm not suggesting otherwise, but as I say, it always becomes very amazing to me how self-righteous the person who has made the first and major mistake can be at the minor mistake of the police officer.

I say that because the courts do have a great deal of discretion in allowing the mistake to be corrected when the person appears in court, if it's a minor mistake and the judge is not satisfied that the right person and the right car are involved, he can correct that in the court. I still maintain, Mr. Chairman, that the court is the proper place to have that dealt with.

**Mr. Lupusella:** I have one last comment. If that's the course which the Solicitor General wants to follow, can he make sure that the clause on the reverse side of the ticket will be completely deleted?

**Hon. Mr. MacBeth:** No, sir.

**Mr. Stong:** On that question, Mr. Chairman, I must say that I understand what the member for Dovercourt is saying but I also appreciate what the minister is saying. I can't see how the minister can interfere with the course of justice. The situation, as the minister has described it, is accurate. No police officer can change what's on a summons but, likewise, the retort that the person would get going into the police station—that he should take the matter up in the courts—arises out of the fact that the wrong licence number was put on the information.

The wrong licence number does not go to the substantive offence, ordinarily; it's the person who is charged, not the car or the licence number. The fact that the wrong licence number is on it would not be grounds for dismissing the charge in the courts, *per se*. However, perhaps what the member for Dovercourt is saying, or alluding to, is an issue that I had raised earlier. This is the only comment I'm going to make on this item. It is simply that perhaps there should

be better public relations by the officer who is giving information to the member of the public who is complaining.

To go to a police station with the problem on the summons and to be told quite bluntly, "Take the matter to court," is insufficient. Perhaps that is the real issue here, although I must agree with the Solicitor General when he indicated earlier that policemen are not supermen; they are human beings and they have their good days and bad days, as he described earlier; I agree with that. Maybe there should be an extra awareness and consciousness of the fact that the policeman represents the law, represents the government and in that arena is, perhaps, regarded by the public as a superman and maybe should measure up, somewhat, in terms of public relations to that image.

**Mr. Lupusella:** Mr. Chairman, I would like to clear any illusion that the Solicitor General might have about my not getting along with the judicial process. What I'm trying to say is that if that's the course which we have to follow, I don't see the reason why, on the reverse side of traffic tickets, there are words to the effect that any incorrection should be reported to the police station. Why is that? Can I have an explanation? Let's cancel it and tell the public that they have to appear before the court to justify any mistake which might take place. Let's do that, and I'll go along with it.

**Hon. Mr. MacBeth:** If the mistake that has occurred is by reason of, say, a computer mistake with the licence number, or that the car in question was not there, this type of thing can be dealt with in the station as long as it's not dealing with the nature of the offence itself. But there is an affidavit.

**Mr. Lupusella:** I didn't even mention the offence.

**Hon. Mr. MacBeth:** All right. There is an affidavit that you can take. For instance, if your car was not anywhere in the area that day you can go to the station and make an affidavit of this nature and the police can correct certain clerical mistakes in that way at that time.

**Mr. Lupusella:** I agree with that. I didn't mean to talk about the content of the offence in itself, Mr. Chairman. I hope the Solicitor General will understand that.

Item 4 agreed to.

Item 5 agreed to.

On item 6, transport:

[12:45]

**Mr. Stong:** Mr. Chairman, with respect to item 6, dealing with transport, I noticed two



things. It's been changed from a different vote last year to the present vote this year, and the amount has doubled. I wonder if the Solicitor General can give us a reason for the doubling of the amount for transport when I assume it's dealing with the same type of service.

**Hon. Mr. MacBeth:** Again it's a case of merging two items previously in two votes into one. I understand that the transport item under vote 1505, criminal and general law enforcement program, and 1506, traffic law enforcement program, which are found in the public accounts for last year, have been combined into vote 1604 this year. In the year ended March 31, 1977, the total for transport under vote 1505 was about \$6.4 million, with a similar amount under vote 1506. In this year's estimates they have been combined into one.

**Mr. Stong:** Other than for the purpose of confusing the opposition when they are trying to prepare for estimates, why was that done? This is being done continually in these estimates, revising things and transferring and eliminating headings. What is the necessity of changing headings and transferring items?

**Hon. Mr. MacBeth:** Last year there were two votes, one for criminal and general law enforcement and another for traffic law enforcement. If the member will look at them, he will find that most items were evenly split last year. There were similar items in both of those votes and the figures were pretty much the same in both votes. It got to be an arbitrary decision that was made, because how do you tell how much of a man's time is spent on criminal investigation and how much on traffic work. It was a very arbitrary decision that was made, and generally we took the operational costs of both of them and simply split them down the middle. In the estimates this year, the member will find there's one vote less and we have simply combined the items.

**Mr. Lupusella:** Under item 6 there is an amount of about \$2.5 million for services. What kind of services are involved? Can we have a breakdown of that figure as to how the money is spent, what kind of a service is provided, and what are the criteria and the guidelines, so as to have an idea why this enormous amount of money is spent for that?

**Hon. Mr. MacBeth:** I understand the member is looking at the total of \$2,509,200. That consists of \$3,000 for photocopy rental—I don't know what we would do without the photocopy machine; it keeps coming up in every one of these items—fleet insurance, \$414,500; repairs and purchase of auto-

mobiles, \$1,803,100; helicopter operations, \$153,000; aircraft operations, \$106,800; engineers' salaries, \$28,800; for a total of \$2,509,200.

**Mr. Lupusella:** How many engineers do you have and what are their duties?

**Hon. Mr. MacBeth:** I understand it is one engineer who looks after the helicopters.

**Mr. Lupusella:** Can I have some idea as to why you need an engineer?

**Hon. Mr. MacBeth:** There are two helicopters involved. They are highly skilled people. If we don't have a person of this nature to service the machines they soon become non-operational.

**Mr. Lupusella:** I am not convinced about that. We realize the importance of this service, but if we have to believe the statement of the Solicitor General I think that in any airport where the public is served as well, we need engineers to look after the equipment. I can't get the argument and the justification for an engineer.

**Hon. Mr. MacBeth:** I understand he is not on our staff. It is on a fee-for-service basis, and this is what their fees are. For one person, I admit on that basis it looks like a pretty heavy fee. But with the kind of skill these people have and today's rates, I guess that is what it works out to.

**Mr. Lupusella:** How much is his salary?

**Hon. Mr. MacBeth:** We don't pay his salary. As I say, it is a fee for operations. This is what we are charged by the company we deal with, which services the two helicopters that we have.

**Mr. Lupusella:** What is the name of the company, if possible?

**Hon. Mr. MacBeth:** Great Lakes. He is not a professional engineer, but he is a highly skilled mechanic.

**Mr. Lupusella:** Do you have a particular contract with this company and do you renew the contract from one year to the next? Is it a permanent contract or a temporary contract.

**Hon. Mr. MacBeth:** It is a yearly contract. Item 6 agreed to.

Item 7 agreed to.

On item 8, quartermaster stores:

**Mr. Stong:** On the quartermaster stores, I am wondering about the possible overlapping between this item and items such as the staff development type of explanation you have given for the work these two items do. For instance, quartermaster stores is making sure uniforms, et cetera, are out among the police

forces, and about stock and distribution of all items. There are such things here as Indian police force and issuance of office supplies. Yet up above we have properties, staff development, planning and research, and transport. Is there any overlapping of services performed between this item and the items that have gone on before? There is a \$2-million amount here that is fairly high for merely looking after the supplying of goods.

**Hon. Mr. MacBeth:** I have been given assurances that there is no overlapping. These are the actual purchase of the uniforms and the various supplies involved.

**Mr. Reid:** I would like to ask the minister if there is any provision under this vote, under quartermaster stores, for security and surveillance equipment, such as bugging devices, et cetera. If so, what does that come to? Just thought I'd wake Roy up.

**Hon. Mr. MacBeth:** Mr. Chairman, I'm sure it must be in here some place, but they tell me it's not in this vote.

**Mr. Lupusella:** I have a question in relation to uniforms. How do you purchase the uniforms? Who is making the uniforms; what's the name of the company? Is there any particular contract involved?

**Hon. Mr. MacBeth:** It goes out to public tender. It is by a yearly contract and the people who have the contract for this year are the House of Stone.

**Mr. Lupusella:** Can I ask the Solicitor General,—and maybe he can provide that information to me later on, even after the estimates are over—in the last 10 years, who has been making the uniforms? Could he give me the names of the companies, and for how many years they have been performing this particular task?

**Hon. Mr. MacBeth:** We can certainly get it. We don't have it here now.

**Mr. Lupusella:** Thank you.

Item 8 agreed to.

**Hon. Mr. MacBeth:** Mr. Chairman, I do have an answer. I don't know whether it will lead to more discussion—probably we haven't got sufficient time. But I was asked for the difference between the 1976-77 public accounts expenditure and the 1977-78 estimates, and the details of the Management Board orders.

The 1976-77 public accounts included 90 per cent of the cost of salaries and benefits for one extra pay period. The pay system requires biweekly payments of salary resulting in 26 pay-days per year. However, once every seven years, an extra pay period or 27th pay-day arises. This was the case in

1976-77. It was decided by government to charge 90 per cent of this pay period to 1976-77. Therefore, the salaries still appearing in the public accounts are higher than would normally be expected.

These costs were authorized in the Management Board order totalling \$222,600 and shown in the public accounts. The accounting system has been revised, commencing in 1977-78, so that this situation will not occur again. The 1977-78 estimates are based on the usual 26 pay-day system. So that accounts for some of that money—

**Mr. Reid:** That's how thorough we are.

**Hon. Mr. MacBeth:** Very good, when you're getting down to four per cent. However that's not all of the four per cent. I mentioned \$137,600 was for salary increases, together with this extra 90 per cent of the 27th pay period. Then we had four retirements of senior officers last year and they're entitled to a number of benefits when they leave, such as sick pay, et cetera, and that figure amounted to \$85,000. So \$137,600 and \$85,000 made up those figures.

**Mr. Stong:** Mr. Chairman, I do have a comment on that. If you want to deal with item 9 first, I have no observation to make on that, but I would like to go back to item 1 for a minute.

Item 9 agreed to.

**Mr. Deputy Chairman:** I would ask the member for York Centre, would he be able to do this in a minute or two?

**Mr. Stong:** Yes, as a matter of fact, it's in the form of a question. It arises out of an issue we got into. I understand the September 30 Ontario Finances shows a spending increase of \$9 million for this ministry. I'm wondering if this has been spent and what it has been spent for and how it was authorized?

I'm advised there is no Management Board order that has been published with respect to that increase of \$9 million. The one that has been published was for last year. I'm wondering if the minister can give an explanation of that \$9 million? It seems to be an increase for which there is no published Management Board order.

**An hon. member:** They had a retirement party.

[1:00]

**Hon. Mr. MacBeth:** Mr. Chairman, I am informed the bulk of it was for salary and awards that were given on April 1, 1977. In addition there were \$1.25 million that we dealt with in this House, or spoke about in the House, for extra services for organized



crime. I spoke about it last March and April. Both those figures will be dealt with in a subsequent Management Board order.

**Mr. Reid:** That is what we are trying to get away from.

**Mr. Stong:** A subsequent Management Board order? Has that money been spent?

**Hon. Mr. MacBeth:** A good part of it, is the answer. Yes.

**Mr. Reid:** Is it possible for the government to spend money without having any authority from the House or even from the Lieutenant Governor in Council to expend moneys in this regard? How can you spend money without any authority?

**Hon. Mr. MacBeth:** Mr. Chairman, I assume we have not spent money without authority. I assume we have the proper authority to do this. I see the Chairman of Management Board (Mr. Auld) taking an interest in what I am saying, so we had better get exactly how this did go through. But I am sure it was done properly.

**Hon. Mr. Auld:** Mr. Chairman, as I said earlier today in the House, the quarterly reports show the latest forecast of expenditures. That salary money has not yet been paid because there is sufficient money in the salary vote to pay up until—I don't know what the monthly payroll is—for instance, the end of February. There will be additional funds required then because of the salary award, because, as he had said in this House many times, we don't anticipate in the estimates what salary awards will be made for obvious reasons. We are negotiating with the OPP association, for instance.

What we did do two years ago was to put a contingency fund in Management Board to deal with part of salary awards. However, as I say, there would be either a supplementary estimate. There would be an authorization for commitment. There would be, depending on when we had the figures, a supplementary estimate for a Management Board order to deal with salary increases for every ministry once we know what they are.

For instance, we don't know what they are going to be for the bargaining unit because we have been in negotiations with them, and as of Wednesday the bargaining unit opted to go for arbitration. I really don't know when the arbitrator will bring down an award.

We do know now what the salary increases will be for the non-bargaining unit, the management classes. That was announced yesterday. That amount is not in the estimates. Part of it may be, but not all of it. So there will have to be supplementary esti-

mates or a Management Board order for that amount when this is figured out.

The reason it is not brought forward in supplementary estimates at the moment is that we don't know what sort of attrition there will be, what sort of reduction in staff there may be, what sort of transfers of staff between a lot of people at one salary range and fewer people at a higher salary range—that kind of thing. So we try to wait until we are close to the end of the year to bring into the House, in one form or another, the estimate of what the additional funds required are.

**Mr. Breithaupt:** I would expect the Solicitor General may wish to amplify that particular statement or there may be some further questions. It might be that this would be a convenient time to allow this one item to remain, and we would proceed with the other complete vote on Monday.

**Mr. Stong:** Mr. Chairman, may I? I am indebted to my friend for the assistance to me in my question.

**Mr. Deputy Chairman:** I haven't recognized you.

**Mrs. Campbell:** How can you not? He is the only one on his feet.

On motion by Hon. Mr. MacBeth, the committee of supply reported certain resolutions and asked for leave to sit again.

## ROYAL ASSENT

**Mr. Deputy Speaker:** I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

**Clerk of the House:** The following are the titles of the bills to which Her Honour has assented:

Bill 60, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Bill 61, An Act to reform the Law respecting the Status of Children.

Bill 62, An Act to revise the Marriage Act.

Bill 65, An Act to amend the Surrogate Courts Act.

Bill 78, An Act to amend the County Judges Act.

Bill 79, An Act to amend the Judicature Act.

Bill 80, An Act to amend the Provincial Courts Act.

On motion by Hon. Mr. MacBeth, the House adjourned at 1:05 p.m.

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Monday, November 7, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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# LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 7, 1977

The House met at 2:05 p.m.

Prayers.

## SUPPLEMENTARY ESTIMATES

**Hon. Mr. Auld:** Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by her own hand.

**Mr. Speaker:** By her own hand, Pauline M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1978, and recommends them to the Legislative Assembly, Toronto, November 7, 1977.

## ORAL QUESTIONS

### HYDRO CONTRACTS

**Mr. S. Smith:** A question for the Minister of Energy, Mr. Speaker, regarding today's Globe and Mail article which indicated that the minister is "unhappy" with certain of the operations of Ontario Hydro and its relationship to the government—does this unhappiness include the fact that there is still no contract with the Lummus company for heavy water plant D? What is the delay in the signing of this contract and would the minister not agree that the ultimatum with regard to the construction of the plant is extremely weak since there is no contract that has been signed which can then be cancelled?

**Hon. J. A. Taylor:** Mr. Speaker, I would like the Leader of the Opposition to know that I am a joyful man, not an unhappy man.

The answer to the question in connection with the contract is that as matters stand that contract was signed. So I am happy; as a rule, I am a happy fellow. No, to the second part of the question and to the third part of the question, it is my understanding that the contract is signed.

**Mr. S. Smith:** By way of supplementary, since the indication from Hydro until just now has been that the contract has not been signed, can the minister indicate to us exactly when the contract was signed, what the reason was for the delay and whether this

contract in fact is exactly the same kind of contract that we had so much difficulty with under Bruce B?

**Hon. J. A. Taylor:** I would be delighted to get the date for the Leader of the Opposition in terms of the actual signing of the formalized contract, although he should have a pretty good feel of its terms and the contents, and how it compares with B, in view of his many communications and conversations with the chairman of the board and so on—

**Mr. S. Smith:** They refuse to give it to me.

**Hon. J. A. Taylor:** I am sure he has all of that information now, but I would be happy to get the signing date.

**Mr. S. Smith:** May I simply ask two things? One, will the minister please table the contract and, secondly, is he not aware that the information I requested from the chairman of Hydro during the meeting he keeps referring to, has been denied me by the chairman of Hydro pending some authorization from the minister, which authorization has not yet come and will the minister give it?

**Mr. Stong:** Yes or no.

**Hon. J. A. Taylor:** Again, may I say in direct reply to the Leader of the Opposition that there has been no refusal from me or no permission required by me for the chairman of Hydro to supply information pertaining to the questions on that list.

I said in the past, to the Leader of the Opposition, that the chairman of Ontario Hydro does not require my permission, has not sought my permission. As far as I am concerned, the Leader of the Opposition is entitled to sit down with the chairman to get all the information he wants.

Again, it is my understanding that because of the penetrating and the very wide scope of the information requested, it has taken Hydro some time to put it together. I don't know how many people they have working on it, but I am sure that you would put a lot of people to work in connection with that.

**Mr. Nixon:** Well, you've got 25,000 jobs over there.

**Hon. B. Stephenson:** Increasing employment opportunities.

**Mr. S. Smith:** It's one of my job-creation programs.

**Hon. J. A. Taylor:** That's your contribution to the unemployment problem in this province, is it?

**Mr. S. Smith:** That's right.

**Hon. J. A. Taylor:** As to the matter of the tabling of the contract, the member asked the chairman of Ontario Hydro for a copy of the contract relating to Bruce B; he very joyfully gave him that contract. I don't see why that type of information couldn't be shared in connection with Bruce D.

#### TORONTO TRANSIT CONSULTANTS

**Mr. S. Smith:** A question for the Minister of Transportation and Communications: Will the minister explain why it appears to be the policy of his government to prevent Toronto Transit Consultants—that's the consulting arm of the TTC—from doing business? Under what authority would the Treasurer (Mr. McKeough) have told Chairman Godfrey that Toronto Transit Consultants are not permitted to do business outside?

**Hon. Mr. Snow:** I would suggest that the hon. member ask the Treasurer that question.

**Mr. S. Smith:** The Treasurer being absent, Mr. Speaker and by way of supplementary, may I ask the Minister of Transportation and Communications to make a clear statement as to whether it is or is not the policy of this government to prevent Toronto Transit Consultants from doing business on a paid basis outside the city of Toronto and outside the borders of this province and this country? Would he please make a clear statement of this; and could he explain whether in fact this is part of any prohibition of Toronto Transit Consultants from doing this kind of business, and if so is it part of a general policy? As with Gray Coach, is it that the TTC mustn't do anything that's profitable?

**Hon. Mr. Snow:** As I recall it, this request from Metropolitan Toronto was for an amendment to legislation to allow the setting up of this corporation. It was not a request to my ministry, I did not deal with it; it was a request to the Treasurer and to the Minister of Intergovernmental Affairs for special legislation.

**Mr. S. Smith:** The minister has no objection?

**Mr. Cunningham:** Would the minister not agree that this direction is only a rather blatant attempt to continue to prop up the UTDC with further work that is completely unnecessary and which would further legitimize this wasteful exercise of the UTDC?

**Hon. Mr. Snow:** No, Mr. Speaker, I wouldn't agree with that.

#### HOSPITAL CUTBACKS

**Mr. Lewis:** A question of the Minister of Health: In view of the news stories today on the statements by the Ontario Hospital Association, is the Minister of Health willing (a) to indicate publicly that he is not happy with the prospect of 4,000 workers out of jobs in the province of Ontario at this point in time, and will therefore attempt to correct the financial disparity which the association claims exists; and (b) that it is utterly unacceptable to the province of Ontario to have the imposition of a \$5 a day deterrent fee placed upon patients in hospitals in Ontario?

**Hon. Mr. Timbrell:** Let me deal with the last part of that question first. I think my leader and my colleague, the Treasurer, have indicated on a number of previous occasions when the question of deterrent fees has come up—and I certainly have, too—that we have no intentions, no plans, to introduce deterrent fees. Certainly, one hears from time to time from a variety of sources, professional and otherwise, that one of the means of beginning to get a handle on health care spending is, in some manner or means, forcibly to draw to the attention of the individual citizen exactly how much the system is costing. I'm sure the member has heard as much as I have about the free health care system, which obviously it isn't.

[2:15]

**Mr. Lewis:** Entering hospital isn't quite like going to a doctor's office, however.

**Hon. Mr. Timbrell:** Not necessarily.

**Mr. Deans:** You cannot just walk into hospital. The minister knows that.

**Hon. Mr. Timbrell:** Dealing with the first part—I haven't read the newspaper articles. The first I heard of it was this morning when somebody from the Star got me out of the shower to ask me about it.

I don't know where the 4,000 figure has come from. In September when the Treasurer was speaking with the PMLC he did at that time, as you know, outline in fairly broad terms the strategy for the next year. He indicated that the social development field—the Ministries of Community and Social Services and Education and my own—would see in 1978 at 5.9 per cent increase overall.

The fine details of that as to how much will go where in the Health ministry's appropriation have not been finalized. I think this is perhaps a little premature, but certainly the allocation to the hospitals will be less than



the rate of inflation. I would anticipate and hope that whatever adjustments will undoubtedly have to be made can come about mainly through attrition and probably through the closing of excess or surplus active treatment beds around the province.

**Mr. Lewis:** Supplementary—maybe I can just make two quick supplementaries: None of the Ontario hospitals can, of themselves, introduce a deterrent fee, I take it, in the province of Ontario. That must be a legislative enactment. Therefore, is it fair to assume that the minister's disavowal of that, today, means that \$5 a day won't be applied?

Secondly, has he looked at the possibility that the Ontario Hospital Association is using these threats—and some of it is clearly in the category of threat—as a kind of opening bargaining position with their collective bargaining which is just about to begin around the province, and that this is a highly undesirable way for the Hospital Association to start off negotiations?

**Hon. Mr. Timbrell:** I haven't thought of those comments quite in that context.

By the way, while I'm on my feet, I should point out that there is a group of students here from Heron Valley Junior High School in the great riding of Don Mills.

**Mr. Speaker:** That is not permitted.

**Hon. Mr. Timbrell:** And a group of ladies from the Lawrence Park Community Church.

**Mr. Lewis:** You will all be so pleased to know your MPP showers in the morning.

**Hon. Mr. Timbrell:** That's right. There may be something rotten in socialist Denmark, but not in Don Mills.

I'm sorry, Mr. Speaker. I know that was quite out of order.

I think I have already indicated that as far as the \$5 notion is concerned that's right—there is no legislative authority for a hospital do to that. Of course there is what is known as differential income on semi-private and private accommodation, which is well known and a long standing practice.

I do not discount the possibility sometime in the years ahead that a different means of funding health care will have to be found. It will spread the load evenly, but forcibly draw to the attention of the public that this is a very expensive system, that it is not free, that the premiums don't even begin to cover the cost of health care in the province, and that it's something which we all have to bear.

What was the rest of the member's question?

**Mr. Lewis:** The minister has satisfied me.

**Mr. Nixon:** Don't you have something else to say while you are on your feet?

**Hon. Mr. Timbrell:** I could think of something.

**Mr. S. Smith:** Supplementary: If 5.9 per cent is the amount of increase the ministry is permitted, and if Mr. Hay is saying that the minister is allowing him four per cent in the hospital sector, can he confirm or deny his figure of four per cent and accordingly, if 4,000 layoffs are not going to occur, how many layoffs does the minister anticipate will occur and what measures is he taking to deal with these particular persons?

**Hon. Mr. Timbrell:** First of all, I have already indicated that the 5.9 per cent figure, which was mentioned in the Treasurer's September 16 statement to the PMLC, I believe, covers generally the social development field. I went on to say, in answer to a question from the member for Scarborough West, that it is a little premature at this point to indicate what the exact allocations are going to be within the Ministry of Health. I may say that we in the Ministry of Health, as compared to the other ministries, probably have shared disproportionately in that overall appropriation, looking at the next year.

The four per cent is a little bit of conjecture. They have been told repeatedly over the fall months that the rate of increase will be less than the rate of inflation. They know from the Treasurer's statement that it is 5.9 per cent to the social field within the government. I have heard various rumours from the hospital community; it has been interesting to hear them as I have gone around the province.

It is a little premature. We are working on next year's budget. I would hope to be able in December—early December preferably—to give the hospitals a firm indication of what the percentage will be in the overall hospital appropriation. Obviously the hospital appropriation is a very important one for us, since it is 53 per cent of our budget. And the earlier we can get those figures out so that they can properly plan, the better it will be.

I reiterate that I would anticipate, I would hope, that the bulk of whatever adjustments will be necessary can be carried out through attrition. I don't want to mislead the House; I don't discount the possibility that in some areas it may mean layoffs, but I would hope that the bulk of the adjustments can be through attrition.

**Mr. Mancini:** Mr. Speaker, I have a supplementary question. If the Minister of Health anticipates layoffs, can he confer with his colleague, the Minister of Colleges and Universities, so that we don't take students into



the health courses and into the laboratory courses at our community college and have these students spend three years of their lives and all kinds of money and then come out with no jobs? Why don't they have a little better planning over there?

**Hon. Mr. Timbrell:** As a matter of fact, if the hon. member will check his facts he'll find, for instance, that the enrolment in nursing courses around the province has been cut—it is off about 40 per cent from a couple of years ago—and that enrolment in the medical schools has been frozen for the last couple of years on a voluntary basis on the part of the faculties of medicine.

The whole area of medical manpower planning is a matter of great concern to me so that we don't lead young people's expectations to unrealistic levels or, for that matter, that we don't saddle ourselves with additional financial burdens which are unnecessary.

#### ASBESTOS HAZARDS

**Mr. Lewis:** A question of the Minister of Labour, if I may, Mr. Speaker. Now that Dr. Irving Selikoff has brought his figures on the relationship between industrial disease and the exposure to asbestos, up to January 1, 1977, showing an incidence in the field of cancer of the larynx greater than twice that which would be expected in the population as a whole, can the minister make a public statement that she could well understand cancer of the larynx being designated as an industrial disease in this province and that compensation flow therefrom?

**Hon. B. Stephenson:** Mr. Speaker, I have today learned of Dr. Selikoff's letter in response to a letter written to him by Dr. McCracken, the executive director of rehabilitation services for the Workmen's Compensation Board, which was sent to Dr. Selikoff on October 11 inquiring as to any further information that Dr. Selikoff might have. Dr. McCracken was attempting to maintain the flow of information between these two bodies because we feel that this is very important.

I can tell the hon. member for Scarborough West that the information which Dr. Selikoff has provided in his letter of October 24 is being received with great interest and is being subjected to the usual examination by a qualified epidemiologist. When that information is available it will be addressed, along with the information which we gather from other equally widely reputed and equally wise and equally renowned occupational health physicians in other parts of the world in

order to assess it and to make the decision regarding the relationship between asbestos and carcinoma of the larynx and then to make the decision about whether, indeed, it should be a compensable disease.

**Mr. Lewis:** Why must we in this province always wait so long to confirm that which we already know? Since it was Dr. Selikoff's data on stomach cancer related to asbestos which caused the implementation of stomach cancer as an industrial disease—is the minister denying that?—since that was the case, and since the incidence of laryngeal cancer now evidenced by Dr. Selikoff is much higher than that for stomach cancer, which we already regard as an industrial disease in Ontario, why does she resist it so bitterly to the painful end? Why can she not do what is just sensible and scientific and do it? What is wrong with the minister?

**Hon. B. Stephenson:** Mr. Speaker, that is precisely what I am doing. I am being sensible, rational and scientific and not motivated by political expedience, as the member for Scarborough West is.

**Mr. Lewis:** Mr. Speaker, on a point of personal privilege—

**Hon. B. Stephenson:** Mr. Speaker, I would like to reply to this question, if that is your wish, sir.

**Mr. Lewis:** On a point of privilege before the reply, I feel I want to say, if I may, to the minister, that this has absolutely nothing to do with political expedience. This has something to do with a man named Aime Bertrand in Sudbury, who is waiting while he is still alive to see if he can get a pension from the WCB, which Selikoff's figures confirm he deserves. It's as simple as that.

**Hon. B. Stephenson:** It's not that simple. The decision which is made has to stand for a very long period of time and will be used as an example by all other compensation organizations in North America. We are attempting to do it in the most humane, most expedient and the wisest possible way and that, of course, is to take into consideration the information which was developed by a number of very well renowned specialists in occupational health. Dr. Selikoff is not alone. I do not in any way denigrate Dr. Selikoff's capabilities, but the decision regarding stomach cancer was made on the basis of the epidemiological study of the reports from all of the specialists around the world. It was not directly related to Dr. Selikoff's reports alone.

**Mr. Lewis:** Come on. Who did Miller visit, if not Selikoff?



**Hon. B. Stephenson:** In addition to that, Mr. Speaker, I can tell you that there is one very important sentence in Dr. Selikoff's letter of October 24, which the hon. leader of the third party has neglected to state, and that is, and I quote: "However, our data do not provide information concerning what proportion of laryngeal cancers might be associated with asbestos exposure. Your case control study will provide much better information in this regard."

**Mr. Lewis:** That's right, so what?

**Hon. B. Stephenson:** That, Mr. Speaker is the operative section of this letter. The study which is being done in Toronto sponsored by the Workmen's Compensation Board will provide all of the other agencies in the world with the kind of information which they don't have at the present. Prospective studies are of much more value in this area than retrospective studies are. Dr. Selikoff's information is valuable because it provides us with an insight and a hint that indeed there may be some problem.

**Mr. Lewis:** A hint? A hint?

**Hon. B. Stephenson:** We must ensure that we know the size of the problem, the proportions of the problem and the way in which it can be best dealt with.

That is the course we are following, Mr. Speaker, the responsible course, which will help the Aime Bertrands and all of the others who are working in this field in Canada.

**Mr. Lewis:** If he lives long enough.

May I ask one final supplementary? Can I ask the minister to consider another operative section of this letter, namely the one that reads: "There was a clear, statistically significant increase in observed deaths from laryngeal cancer compared to those expected," and another operative sentence: "Thus there is useful evidence that asbestos workers suffer an increased risk of laryngeal cancer"? May I ask the minister if she does not understand that those are the central points of the letter? The percentage of total laryngeal cancers attributable to asbestos is not the important point, the point is the relationship between one and the other and that has been established. Doesn't the minister understand that?

**Hon. B. Stephenson:** Yes, Mr. Speaker, I understand it obviously very much better than the member for Scarborough West does. Indeed, there are figures which would suggest that this is so. They have not been corroborated and in any scientifically valid decision they must be corroborated. That is precisely what we are attempting to do.

**Mr. Mackenzie:** Arrogance personified.

**Hon. B. Stephenson:** It is not arrogance, it is rational.

**Mr. Lewis:** It is called benefit of the doubt. Remember that phrase?

[2:30]

**Mr. McKessock:** Mr. Speaker, I have a question for the Minister of Agriculture, but before I put it, it would be unfair not to treat everybody in the gallery the same, so I would like to welcome 110 students and their teachers from the Georgian Bay Secondary School in Meaford.

**Mr. Speaker:** Order. Order. Two wrongs do not make a right. The hon. member for Don Mills was obviously out of order. The decision not to welcome daily visitors was made on the basis of a recommendation from the Morrow committee and I've already got a letter of apology from the hon. Minister of Health.

**Mr. Nixon:** After he made his announcement.

**Mr. Speaker:** He didn't make the announcement in full. Any announcement like that is clearly out of order, based on a select committee report that was accepted and adopted by this Legislature. I would ask members to respect that recommendation.

**Mr. McKessock:** Thank you, Mr. Speaker. I'm sorry for being out of order.

#### FINANCIAL PROTECTION FOR FARMERS

**Mr. McKessock:** I have a question for the Minister of Agriculture and Food. In view of the minister's announcement on Friday morning pertaining to the deferring of the junior farmer mortgage payments in the light of the poor returns to farmers this year, did he say he was deferring the principal portion of the mortgage payment only? Yes or no?

**Hon. W. Newman:** I'm saying that we could work it out several ways. There will be a special committee set up within my ministry—

**Mr. McKessock:** Yes or no?

**Hon. W. Newman:** —to deal with it on an individual basis, and maybe refinance it over a longer period of time, so that the farmers can adjust to it, depending on their individual circumstances.

**Mr. McKessock:** Supplementary: Did the minister say it would be the principal payments only?

**Hon. W. Newman:** Principal and interest could be refinanced together, depending on the circumstances.

**Mr. Mancini:** Straightforward answer, Bill. Straightforward answer.

**Mr. McKessock:** Supplementary: In view of the fact that on a \$5,000 amortized mortgage payment the principal might only be a tenth of the payment, or \$500, and the remaining portion, \$4,500, could be interest, does the minister not think that this would be a token portion if he were only to give the interest? I certainly want to see the minister give consideration to interest and principal, which I believe he indicates he will do right now. Is that true?

**Hon. W. Newman:** I don't know what the hon. member is talking about when he talks about \$4,500 or \$5,000, five-year amortized. It could be in interest. I don't know how he does his calculations, but as far as I'm concerned, we want to do the best we can to help the farmers through a difficult situation. That's exactly what we'll be doing with our committee.

Don't forget we have crop insurance that covers most of the crops in the province of Ontario—not all, but most of them. One of the reasons for doing this is to help those farmers who have problems in specific areas. It will be dealt with on a specific basis, with the individuals being counselled by our financial people to try and help them over a very difficult time.

### JOB CREATION

**Mr. Deans:** I have a question for the Minister of Labour in her capacity as manpower minister: I wonder if the Minister of Labour has had an opportunity to look at the projections for unemployment in the construction industry during this coming winter, and if she's been able to determine the effect that this 60 per cent increase which is being projected will have on the steel industry; what the cutbacks in the production of steel will have in the extractive industry and in cutbacks in the extraction of ore; and what all this will do to the consumer purchasing power of the people of Ontario? And I wonder if she can give us an indication of what recommendations she might be making with regard to this drastic reduction both in employment and in purchasing power?

**Hon. B. Stephenson:** The projected decrease in construction this winter is somewhat disturbing. There is no doubt about that. I don't have any magic figures which tell me precisely what the spinoff effect is going to be in all of the areas which the hon. member has mentioned, but I would mention at least one or two areas in which we have made some recommendations.

One of them, of course, I think, was obviously being followed by the Ontario Municipal Board when it decided to proceed with its Toronto hearings, apparently against the advice of some of the friends of the hon. member, who feel that those hearings should be delayed for yet another two months.

**Mr. Deans:** What are you talking about?

**Hon. B. Stephenson:** It is hoped that indeed some of the stimulation which is occasioned by the concern of the province for construction in Toronto might develop into some stimulus for other builders to begin some kind of contracts and construction within that area. It is a little easier, I suppose, for that to happen within the municipality of Metropolitan Toronto than it is in some smaller regions, but indeed the projected figures for unemployment in construction are greater in Toronto and the Toronto-Hamilton area than they are for any other part of the province.

**Mr. Deans:** That is because more construction goes on there.

**Hon. B. Stephenson:** Of course. That is a matter of very real concern and one over which we do not have total control, but it is one about which we can express our concern and attempt to provide some encouragement in specific industries in order to try to alleviate the problem.

**Mr. Deans:** Supplementary: I am not interested in the minister's concern. What I am interested in is knowing whether as manpower minister she has made any recommendations of any kind with regard to specific proposals of this government to deal with what is projected to be a 60 per cent decrease in employment opportunities in the construction industry; and what effect that will have on related industries in the province of Ontario?

**Mr. Speaker:** The question has been asked.

**Mr. Deans:** Surely as manpower minister she has something to offer? She has done nothing for the last three years.

**Hon. B. Stephenson:** I'm sorry the hon. member is not interested in my concern about this.

**Mr. Deans:** I don't care about your concern.

**Hon. B. Stephenson:** But in answer to his question I would say, yes, we have made some specific recommendations.

**Mr. Deans:** Supplementary: Has the minister then met with the Treasurer or with the Minister of Government Services (Mr. McCague) to discuss the possibility of increasing the amounts of revenue to be made available



for construction directly related to government in the province of Ontario in an effort to offset the 60 per cent increase that is projected?

**Hon. B. Stephenson:** No, I have not met with those two individuals specifically—

**Mr. Deans:** Whom do you talk to?

**Hon. B. Stephenson:** But I certainly have met with the Premier (Mr. Davis).

#### INCLUSION OF HYDRO WORKERS IN PROVINCE-WIDE BARGAINING

**Mr. O'Neil:** I have a question of the Minister of Labour and I know she will be sensible, rational and scientific in her answer. In view of the announcement that Mr. S. R. Ellis was appointed as industrial inquiry commissioner on October 31 to inquire into the possible inclusion of Ontario Hydro construction workers in province-wide, single-trade bargaining, can the minister assure the House that he will hold public hearings on this matter, hearings which will have some effect on the Hydro bills paid by everyone in Ontario?

**Hon. B. Stephenson:** As a result of my commitment at the time of the clause-by-clause examination of Bill 22, I did suggest that this was the route that we would follow. I have appointed Mr. Ellis as the sole commissioner in this area. He has committed himself to providing a report on the subject within the time-frame which was suggested which was three months. Whether that gives him sufficient time to hold wide-ranging public hearings or not, I am not aware.

Mr. Ellis is going to have to work that timetable out for himself. But he will be drawing upon the expertise of both management and labour in the construction field in order to develop background information and probably to assist him in making a decision about whether public hearings would be widely held or whether they will be held only in one or two locations.

**Mr. O'Neil:** Supplementary: May I ask then that the minister keep the Legislature up to date on the form that these hearings will take and whether or not there will be public hearings?

**Hon. B. Stephenson:** Yes, I shall.

#### FLOODING AT NURSING HOME

**Mr. Cooke:** I have a question of the Minister of Health. I would like to ask the minister if he would look into a situation at the Greater Windsor Nursing Home in my home riding. Specifically, could the minister investigate as to why residents in this

home had to sleep this past Saturday night in rooms flooded with six inches of raw sewage and why this recurring flooding problem has not been repaired?

Also could the minister find out why it took 24 hours to get plumbers at the home to repair the problem? Further, could the minister investigate how this home has been able to deteriorate to the filthy state it is presently in, when there had been a pre-sale inspection in February and regular inspections since, the last one of which took place on September 12? I would like the minister to make some kind of a report back to the House when he can gather the information.

**Hon. Mr. Timbrell:** The latter part of the hon. member's statement—I don't know if it was a question—anticipates what I will do. The first we heard of the problem was this morning. We have dispatched a nursing inspector and an environmental inspector to Windsor, to that particular home.

The preliminary information I saw about the home indicated it was sold early this year, preceded, as the member says, by a pre-sale inspection. As per the terms of the revised Act, there was a list of things prepared, which was provided to the then prospective purchasers, that would have to be carried out.

In early October the plans were filed with the ministry for the renovations to bring it into compliance with the revised Nursing Homes Act. Once thorough inspections are carried out by the nursing inspector and the environmental inspector I will certainly try to answer all of the member's questions.

#### TRANS-CANADA HIGHWAY

**Mr. Reid:** I have a question of the Minister of Transportation and Communications which might aid the cause of national unity in the country. Will the minister consider renaming the Trans-Canada Highway in Ontario as Highway 1, thus doing away with the hodge-podge of numbers that we have across the province and going along with the action taken by six other provinces of Canada?

**Hon. Mr. Snow:** I hadn't considered that suggestion, but I will. I don't know how you could do it—we have two different highways which are a part of the Trans-Canada system and I don't think we can call them both Highway 1, but I'll certainly be prepared to look at it.

**Mr. S. Smith:** Name them 1A and 1B.

**Mr. Reid:** Is the minister aware that all the western provinces, Prince Edward Island and Newfoundland have designated it this

way? Does he not think that it might bring the country a little together if we had one highway from coast to coast?

**Hon. Mr. Snow:** Mr. Speaker, I'm not sure that renumbering the highway would make the distance any shorter from the Quebec border to the Manitoba border—

**Hon. Mr. Rhodes:** One Canada, one highway.

**Hon. Mr. Snow:** —so, consequently I don't know whether it would bring the country any closer together or not in that sense. I will look into the possibility of the numbering as it relates to the other highways.

**Mr. Lewis:** You could call it the Robarts-Pepin Trail.

#### WINTARIO GRANTS PERSONNEL

**Mr. Grande:** Mr. Speaker, my question is of the Minister of Culture and Recreation. Is it true that his ministry is planning to phase out the contract personnel working on Wintario grants, based on a consultant's report which in essence recommended that the personnel on contract be phased out and in their place, on a full-time basis, people be placed who have university degrees? Is that a fact or not?

**Mr. MacDonald:** Darcy will veto that. That is adding to the social service.

**Hon. Mr. Welch:** The answer generally speaking is yes, but not necessarily for the reasons quoted in the report of the consultant. We have been advertising for consultants and even attempting to regularize that particular function within the ministry and the qualifications have been widely advertised.

I think in general terms the answer is yes, but not necessarily for all the reasons that the hon. member recited. Is that fair enough?

**Mr. Grande:** A supplementary: Would the minister be able to table that consultant's report in the Legislature?

**Hon. Mr. Welch:** I'd like to take a look at it.

**Mr. MacDonald:** Why?

**Hon. Mr. Welch:** Let me take a look at it and I'd be glad to respond more definitely after I've seen the report. There may be other parts of the report that haven't been acted on, that's why I'd like to see it first.

**Mr. MacDonald:** If it's prepared by public money and it's a basis of public policy, then it should be tabled.

**Mr. S. Smith:** Do you mean that you only table it after you've acted on it?

#### ONTARIO SECURITIES COMMISSION

**Mr. Breithaupt:** I have a question of the Minister of Consumer and Commercial Relations with respect to the correspondence that we've all received from Malartic Hygrade Gold Mines (Canada) Limited. Can the minister advise us as to the situation with respect to these various claims and particularly with his response to such phrases as "improper activities," "illegal embargo," "censorship" and "conspiracy," that each of the three letters, of which I presume all members have received copies, refers to? Just what is the situation and what are these claims and these problems that are being scattered about, apparently quite openly, as to the operation of the Ontario Securities Commission?

**Hon. Mr. Grossman:** A series of communications has been flowing for some time now. As each set of allegations comes in they are dealt with by the people who are specifically alleged to have committed the offences as set out in the communications. I can only assure the House that, at this time, the allegations are watched as they come in.

**Mr. Lewis:** That's what you call dispassionate.

**Mr. McClellan:** You believe in impartial judges.

[2:45]

**Hon. Mr. Grossman:** —a careful analysis is made of the allegations contained therein and we are up to date in our awareness of the problem and our intentions to deal with them. There is nothing there that we feel has warranted any action other than the action we have taken so far. The letters are not ignored. They are read carefully, dealt with carefully and analysed by the people who are affected.

**Mr. Breithaupt:** Supplementary: Surely, analysis by the people affected is hardly sufficient if, in fact, there are claims which have been made public—charges of illegal matters, conspiracy and other very serious allegations. Surely, the minister is not content that only those persons who have been referred to are dealing with the letters. Does he have nothing to enlighten the House as to whether further action is being taken, or to explain this whole involvement which appears to be, at least on the surface, a series of very serious allegations?

**Hon. Mr. Grossman:** I am sorry, when I indicated that the people named in the letters had dealt with the accusations what I was saying was that in each case the letters are referred to the people about whom the accusations are made. They are asked to provide explanations and responses which are well



developed. The fact is that it has been dealt with by the ministry in detail; an explanation is there.

We are satisfied that our course of action to the present time is appropriate, that it doesn't warrant any further action at this time. As the letters come in, they are not just slammed into a file but are taken up with the people involved who then report back and update us as regards the accuracy or inaccuracy of those specific charges.

In simple terms, the allegations are dealt with as they are made. We have, obviously, found no substance in those allegations to warrant any action that the writer of the letters thinks might be in order.

**Mr. Breithaupt:** Is the minister content that this matter is entirely groundless and that things are at an end or can we expect to continue receiving further letters?

**Hon. Mr. Grossman:** I can't comment as to whether the member can expect to receive further letters. I can simply tell him that on the basis of what we have at the present time, no further action is going to be taken. That depends of course upon what we may glean from the latest correspondence or the correspondence yet to come.

**Mr. S. Smith:** Supplementary: I am as mystified as anyone else about this series of correspondence. It keeps coming across my desk. If, in fact, the minister is correct that these accusations are without substance, does the minister not agree that there might be grounds for a slander suit or a libel suit by various persons referred to and by the Ontario Securities Commission referred to, since these accusations of improper activities, illegal embargo and so on are pretty serious accusations?

**Hon. Mr. Grossman:** The specific people about whom the allegations have been made are well aware of their rights, the member can be sure. They have, obviously, chosen not to take action for slander or any of the other remedies they may feel they have. My responsibility is only to determine whether there is any substance to the allegations made and if there is, to take appropriate action.

**Mr. S. Smith:** Just a quick supplementary. There is in the letter of October 21, this sentence: "I wish to present further proof of improper activities of the Ontario Securities Commission." Would the minister not agree that the Ontario Securities Commission is not an individual who has to know his rights and take action? It is, in one way or another, an arm of the people of Ontario or the government of Ontario and, surely, it's the minister's

responsibility to decide whether to take action.

**Hon. Mr. Grossman:** If the Ontario Securities Commission or the Residential Premises Rent Review Board, just to name two, took slander action against people every time they say they are doing something wrong or inaccurate or unfair or illegal, then we would spend double the provincial budget just taking these people to court. In fact, we could spend most of our time dealing with what a couple of members of the NDP say about the rent board. No, the answer is we don't sue every time someone says something nasty about one of my boards.

#### NORTH BAY HOSPITAL

**Mr. Duksza:** A question to the Minister of Health: Is the minister aware that the Ontario Hospital in North Bay is presently receiving goods from a strikebound wholesale distributor called Sam Butti Wholesale Limited? If the minister is aware, would he be prepared to order the hospital administrator to cease receiving goods from this strikebound company and to look for other distributors in the area?

**Hon. Mr. Timbrell:** No.

**Mr. Duksza:** Supplementary: Why not?

**Hon. Mr. Timbrell:** If I recall it correctly, this is based on a tender on lowest price for certain goods for the psychiatric hospital. I don't think we should get involved through that hospital in a dispute between a supplier and his employees.

**Mr. Duksza:** Is the minister aware that he is involving himself in strikebreaking?

#### DISPLAY OF DAIRY PRODUCTS

**Mr. Blundy:** To the Minister of Consumer and Commercial Relations: Is the minister aware that food retailers in Metro Toronto are still displaying dairy products under high intensity lights, even though researchers reported at least two years ago that fluorescent lights can impair the flavour and nutritional value of milk and butter? What plans does the ministry have to correct this matter?

**Hon. Mr. Grossman:** I will be pleased to receive details from the member with regard to any precise locations he has in which we may go and take the appropriate action. The answer is, where we know it is going to happen and where we know it is happening, we take action. Would the member be kind enough to send me over the list and we will look into it right away?

**Mr. Blundy:** I think almost every supermarket in the area, and certainly in my riding, is displaying milk in this way.

**Hon. Mr. Grossman:** Send the details over.

**Mr. Blundy:** Mr. Speaker, I will send him a list tomorrow.

**Mr. O'Neil:** Supplementary: I wonder if I could ask the minister whether he has taken any action against any of these outlets to this point?

**Hon. Mr. Grossman:** I don't have the information with me but I'll be pleased to get it.

#### BRIBERY CASE

**Mr. di Santo:** I have a question for the Attorney General. Could the Attorney General inform the House why in the case of Melvin Kurtz, the Crown attorney chose not to prosecute the bribers or the briber?

**Hon. Mr. McMurtry:** I don't know the details of that case. Was it Mr. Kurtz? If the member would give me a few more details outside after the question period in order to assist me to identify the case, perhaps I could respond to his question.

**Mr. di Santo:** Supplementary: In view of the fact that as a result of the probe of Judge Waisberg on crime in the construction industry, Mr. Melvin Kurtz was prosecuted for bribery, my question is why did the Attorney General's office choose not to prosecute the bribers in this case?

**Hon. Mr. McMurtry:** Again, I am not familiar with the details of this prosecution, but I will attempt to respond to the member's question.

**Mr. di Santo:** A further brief supplementary: Can the Attorney General then report to the House on this particular case and also how many prosecutions were laid as a result of that inquiry and, if so, when?

**Hon. Mr. McMurtry:** I assume that information will not be difficult to come by. If we can ascertain it, we will so advise the House.

#### PIPE PRODUCTION

**Mr. Kerrio:** I have a question of the Premier. Is he aware of the fact that the US legislature and the federal government have passed the legislation now for the joint pipeline on the Alaska Highway and is he aware of the fact that we can produce the steel in Ontario and that we have the plant in Welland to produce the pipe? The concern I have relates to the question that was asked about the last pipeline, where the only guarantee is that there will be a general competitive term in the contract. Is the Premier aware that there is no real commitment and that on such a basis the last large order of pipe was delivered from Japan?

**Mr. MacDonald:** That's the order of Jack Horner, that good Liberal.

**Hon. Mr. Rhodes:** The member should tell his federal colleagues.

**Hon. B. Stephenson:** It's the feds—not Queen's Park.

**Mr. S. Smith:** What are you doing about it?

**Hon. Mr. Rhodes:** You're sitting on your butt.

**Mr. S. Smith:** I don't smoke.

**Hon. Mr. Rhodes:** You ought to try it—something to calm you down.

**Hon. Mr. Davis:** Mr. Speaker, you're going to ask for somebody else to deace before I get my answer out.

In answer to the hon. member's question, I do understand that the United States Congress—not "the legislature"—has more or less approved this. Of course we're quite interested in having as much as possible of the pipe and other material produced in the province of Ontario. As I believe I said in answer to a question asked by one of the hon. member's colleagues last week, certainly from our standpoint we will be making every effort to see that as much as possible of the pipe and other material is purchased in Canada and in particular, of course, the province of Ontario.

As the hon. member well knows, it is not always simple for a provincial jurisdiction to carry on these international negotiations, in spite of the attempts by some. None the less we will, without question, make our points of view known.

**Mr. Mancini:** What did you go to Japan for?

**Hon. Mr. Davis:** We went to Japan just in case the government of Canada wasn't totally looking after Ontario's interests, the same as we do with everything else.

As a result of our involvement over the years, the economy of this province has done relatively well and will continue to do so. We will continue to look after the interests of the people in this province, which means we will make our very best efforts to see that pipe for the pipeline and other material is purchased in this province, although it is not within our jurisdiction. But certainly we will make every effort.

**Mr. Kerrio:** Supplementary: In view of the fact that there is no real commitment in the contract and because of the great number of jobs that we should be looking to in the future, would the Premier take it on himself in his high office, and possibly with the Min-



ister of Industry and Tourism (Mr. Bennett), to see if we can't get the federal government to make such a commitment, which is not in the contract? I would ask the Premier to take that first step.

**Hon. Mr. Davis:** I am certainly one of those who is prepared to deal with issues that aren't always totally spelled out in a contract, unlike some members of the member's party. I also must say to him, I can't table any contract because it's not available to us. But we will be making, as I said—and I really am repeating myself—every effort to see that Canadian producers, and particularly Ontario producers, get as much of this contract as is possible.

**Mr. Makarchuk:** Supplementary: Is the Premier prepared to table in this House all the correspondence which will be involved in his representations to other levels of government?

**Hon. Mr. Davis:** I might table all mine if the member will table all his—

**Mr. Makarchuk:** It's a deal.

**Hon. Mr. Davis:** Being suspicious of some of his correspondence, I'm not sure I really should have made that offer. I would only say that I certainly would give very careful consideration to tabling any correspondence I have on this matter.

It's also quite obvious that while the member may be dependent totally on correspondence in the mails, I can't table for him any telephone conversations I might have or any conversations the minister may have or any personal discussions.

**Mr. Breagh:** Just give us the tapes.

**Hon. Mr. Davis:** In answer to the member's question, to the extent that any correspondence might be relevant, certainly I would be delighted to share it with the hon. members of the House. But please don't preclude me from doing my best by means other than correspondence.

**Mr. Peterson:** Supplementary?

**Mr. Speaker:** New question. The hon. member for Welland-Thorold with a new question.

**Mr. Peterson:** Mr. Speaker, in fairness, there have been only two supplementaries.

**Mr. Speaker:** Three.

**Mr. Peterson:** Two—one here and one over there.

**An hon. member:** It's a very important question, Mr. Speaker.

**Mr. Peterson:** It deserves a little more attention in view of the fuzzy answers that

were given here. I beg your indulgence, Mr. Speaker.

I would ask the Premier this: In view of the very serious way in which we regard these negotiations, understanding the limitations that are placed upon him, I would ask the Premier to make a statement to this House, either himself or through the Minister of Industry and Tourism (Mr. Bennett), as to what has transpired so far, and what he is planning to do in these negotiations, because they could be very critical to the industrial future of the province.

[3:00]

**Mr. Speaker:** The question has been asked.

**Mr. Peterson:** Would the Premier do that in the very near future?

**Hon. Mr. Davis:** I would be delighted to share as much as I can with the member for London Centre. I know of his very genuine interest in this subject and I would be delighted to share it with him.

I would also point out to him that really, I think, to describe them as negotiations is perhaps not the proper terminology as it relates to the province of Ontario. It's a question of stating to the government of Canada, the minister involved and his ministry, that we are very anxious to have as much material for the pipeline purchased in our province as possible. I really think, so that there will be no one operating under any thoughts other than those that are accurate, the member really ought not to describe it as negotiations.

#### MINOR HOCKEY PLAYERS

**Mr. Swart:** A question of the Attorney General: He is aware, is he not, that a student at the hockey school at the Bill Burgoyne arena last Saturday was removed from the ice simply because she was a girl, a seven-year-old girl, after having been admitted as a boy? Does he not think this situation is getting out of hand? Is he prepared to make a statement, so he can single-handedly see that the Human Rights Code is observed as he did to remove violence from the hockey on ice?

**Hon. Mr. McMurtry:** As I indicated on Friday, I harbour certain prejudices as a father of three daughters. Some of these personal prejudices involve the lack of opportunity for our young women to participate more actively in organized sport. I feel very strongly about that. But so far as this matter is concerned, it is a matter that I assume is within the purview of the Human Rights Code. As the member knows, this is not administered by the Ministry of the Attorney General.

**Mr. Swart:** Supplementary: Would the minister consider sending a general directive to the recreational groups and sports groups outlining the necessity of conforming with the Human Rights Code? Would he suggest to the Minister of Culture and Recreation that perhaps the awarding of Wintario grants could be determined on the basis of conformity with the Human Rights Code?

**Mr. Speaker:** Order. The hon. minister has already indicated that the Human Rights Code is not within his jurisdiction.

**Mr. Swart:** On a point of order, Mr. Speaker.

**Mr. Speaker:** The only thing that is out of order is the member.

**Mr. Swart:** Is the second part of my question not in order as a supplementary? It is unanswered.

**Mr. Speaker:** New question.

#### PROVINCIAL GRANTS

**Mr. B. Newman:** I have a question of the Premier. As the Treasurer has admitted that the provincial grants system is unfair, and as Windsor has suffered more than any other municipality in the province of Ontario because of the inaccurate equalization factor, what action is the Premier going to take to right a long-time wrong from which Windsor has suffered where it has lost approximately \$20 million in grants, which it would have rightly received had a proper equalization factor been used?

**Hon. Mr. Davis:** The member for Windsor-Walkerville is well aware of the complexities, and to a certain extent the inequities, of the assessments that exist in the province. I guess what I hear him saying is that he and his party would, of course, support—

**Mr. S. Smith:** No, that is not what he said.

**Hon. Mr. Davis:** —the introduction of the solution to the problem.

**Mr. S. Smith:** He asked for fair play. Fair play is what he asked for.

Interjections.

**Hon. Mr. Davis:** Oh no, of course not, you guys just don't have the intestinal fortitude.

I would only say to the member for Windsor-Walkerville—

Interjections.

**Mr. Speaker:** Will the members for Rainy River (Mr. Reid) and Brant-Oxford-Norfolk (Mr. Nixon) please be quiet while the Premier answers a legitimate question from the member for Windsor-Walkerville?

**Hon. Mr. Davis:** Mr. Speaker, I really think on that point of order you should, in fairness,

ask those two members to decessate, as you recently asked some of the rest of us. I really wouldn't wish that on either of them—well, there's the odd day, but not too often.

**Mr. Mackenzie:** When is Mr. Speaker going to bring the Premier to order?

**Hon. Mr. Davis:** I am doing my best to answer this very difficult question.

**Mr. Warner:** You are wasting the time of the people.

**Hon. Mr. Davis:** I can't answer it if the members are not prepared to listen; if they will listen I will try to answer it. I would say to the member for Windsor-Walkerville that the government recognizes that there are certain inequities, Windsor being one of them; I think Sarnia may be another. The member for Sarnia is pointing vigorously at Hansard to note that. It may be that even Brampton is not getting its fair share, I'm not sure.

We're working at finding solutions to these problems. I think the Treasurer met with some members from Windsor just a few days ago and we will continue to find solutions to this very difficult and complicated matter.

**Mr. S. Smith:** What about fair play?

**Mr. B. Newman:** Is the Premier aware that each year delayed costs the city of Windsor's taxpayers another \$8.5 million? Is he prepared to make an unconditional grant to the municipality in lieu of that loss?

**Hon. Mr. Davis:** So that it will save the House a little time—the other members from Windsor are anxious to be on the record too, I sense—I say to the member for Windsor-Walkerville and to the other members from Windsor, that we're aware of the difficulty. Are we prepared to make an unconditional grant? The answer to that would have to be no.

An hon. member: At this time?

**Hon. Mr. Davis:** At this time. I thought I answered it for you.

**Mr. Cooke:** I would like to ask the Premier if I understood his first answer correctly. Is he saying that the government is committed to working out a solution with the city of Windsor for the year 1978 and will there be a solution with some equity built into it for 1978? Or is he going to continue to put off the problem?

**Hon. Mr. Davis:** I'm sure the hon. member is well aware that working out a solution for Windsor also involves many other municipalities and taxpayers across the province of Ontario. In that there are many other members in this House who do not come from Sarnia or Windsor, who I'm sure have an



interest in this, and knowing that whatever is given or altered in one area may mean a slight diminution in other areas and that we want total equity in whatever we do, to say that we will solve this problem in 1978, might be a shade premature.

## PETITION

### MINIMUM DRINKING AGE

**Mr. Peterson:** I beg leave to table a petition with this House from 343 members of First St. Andrew's United Church in London, Ontario, Canada. If I may just read what it involves: "In view of the increasing number of accidents caused by young drivers under the influence of alcohol, we the undersigned members of First St. Andrew's United Church of London, Ontario, hereby ask you to urge the government of Ontario to bring legislation to 1. raise the minimum drinking age from 18 to 20; and 2. curtail the advertising of alcoholic beverages, especially on television."

## MOTIONS

### SUPPLEMENTARY ESTIMATES

Hon. Mr. Welch moved that the supplementary estimates for the Ministry of Community and Social Services presented today be referred to the standing committee on social development to be considered in the time allocated to the Ministry of Community and Social Services.

**Mr. Nixon:** Mr. Speaker, just a brief comment on the motion if you'll permit it, particularly while the Chairman of Management Board is here. I understand that those supplementary estimates are supposed to reconcile a statement made by the Minister of Community and Social Services (Mr. Norton).

**Mr. Breithaupt:** That comes next, Robert. There's a four-page statement coming up.

**Mr. Nixon:** How the heck do I know there's a four-page statement coming up?

I want to know if we can be assured by the government that there is a reconciliation with the amounts that have been put in the former estimates.

**Mr. Speaker:** It is my understanding that is indeed the case.

**Mr. Nixon:** Good.

Motion agreed to.

### CHILDREN'S SERVICES PROGRAM

Hon. Mr. Auld moved that the following amounts in the votes and items of the

1977-78 estimates of the Ministries of the Attorney General, Correctional Services and Health, being the amounts made available to the Ministry of Community and Social Services in connection with the children's services program, be referred to the standing committee considering the estimates of the Ministry of Community and Social Services.

**Hon. Mr. Auld:** If the hon. members would agree, I'll simply read the total. It is set out, and I understand that copies of this have gone to the other parties and caucuses.

Total for the Ministry of the Attorney General, \$2,722,000; total for the Ministry of Correctional Services, \$35,619,100; total for the Ministry of Health, \$62,085,800; a grand total of \$100,426,900.

I have a statement of explanation to go with it.

**Mr. Breithaupt:** Mr. Speaker, we're prepared to dispense with the reading of the figures so long as they appear in detail in the votes and proceedings so that we'll have a record for the benefit of the House.

**Mr. Speaker:** Is that agreed? They will be. It's a statement more than a motion, I suppose.

The Chairman of Management Board has an explanation.

**Mrs. Campbell:** Yes, I am aware of it, but you are putting the motion. I would ask that we have the explanation for discussion before the motion is put.

**Mr. Nixon:** On a point of order, is there a motion, Mr. Speaker?

**Mr. Speaker:** There is a motion, all right, but as outlined in the one I read.

**Mr. Nixon:** That has already been accepted.

**Mr. Speaker:** No, there are two separate motions. One was with regard to time, and the other motion is that on the debate of the children's services program in conjunction with the 1977-78 estimates, they be referred to the standing committee considering the estimates of the Ministry of Community and Social Services.

**Mr. Breithaupt:** That was put and carried.

**Mr. Speaker:** No, it has yet to be carried. The Chairman of Management Board has an explanation.

**Hon. Mr. Auld:** As a result of the number of questions that were raised in the Legislature last week concerning the debate of the estimates of the Ministry of Community and Social Services, I would like to submit the following information and proposed solutions:

Bill 23, which received third reading on July 11, 1977, transferred the responsibility of services related to children from the Attorney General, the Minister of Correctional Services and the Minister of Health, to the Minister of Community and Social Services, effective July 1, 1977. The related funding for these transferred services appeared in the 1977-78 estimates for the three ministries which were tabled prior to the transfers taking place.

Although Bill 23 provided the transfer of all powers and duties that could be transferred, there was no vehicle available to transfer the funds. The Supply Act, 1977, will provide the authority for the transfer of the funds for children's services for the three ministries to the Minister of Community and Social Services. But of course, the Supply Act cannot be passed until all the estimates have been voted. As well, there is no available means to revoke the amounts placed in the other three ministries' estimates.

[3:15]

The administrative procedure involved in the transfer of the funds will be authorized by way of Management Board certificate in accordance with the Supply Act, as in previous practice.

Therefore, in order that the estimates of the Ministry of Community and Social Services can be continued, including the estimates for the children's services program, I am introducing a motion that will allow the various amounts included in the estimates of the Ministries of the Attorney General, Correctional Services, and Health related to the transfer of responsibilities of children's services, to be referred to the standing committee considering the estimates of the Ministry of Community and Social Services.

This will allow for a full discussion on the children's services program during the debate of the estimates of the Ministry of Community and Social Services. The respective funds would not be voted as part of the estimates of the Ministry of Community and Social Services but would be voted as part of the estimates of the three individual ministries. As previously stated, the funds would subsequently be transferred legally to the Ministry of Community and Social Services by way of the Supply Act, 1977.

In addition, I introduced a supplementary estimate earlier today, on the message of Her Honour, the Lieutenant Governor in Council, in the amount of \$3,665,500 to provide for the additional amount of funds required by the Ministry of Community and Social Services to administer and operate the total combined

functions associated with the children's services program.

A supplementary estimate, by definition, increases an original appropriation or establishes a new appropriation, but does not reduce or transfer appropriations. Therefore, this means could not be used to transfer the related funds from the three ministries to the Ministry of Community and Social Services. Only the additional requirements of the ministry, over and above the amounts provided by the other three ministries, are included in the supplementary estimates.

These proposed actions have been discussed with and concurred in by the senior legislative counsel and the assistant clerk of this Legislature. I also understand that the Minister of Community and Social Services (Mr. Norton) will provide the standing committee with a complete reconciliation of the amounts provided for the children's services program so that the debate on his estimates can be continued in a complete and orderly way.

I trust that this will clear up and will resolve the issues raised by hon. members recently in the Legislature, and in committee, concerning the 1977-78 estimates of the Ministry of Community and Social Services.

**Mrs. Campbell:** In responding to the motion, I must confess I have great difficulty. I have been trying to understand the procedures in this particular situation and I have sought all the advice that I could in the time allowed to me. What does bother me is this: As I understand it, when the estimates are tabled they are accompanied by a message from the Lieutenant Governor and they do not, in any way, relate to amounts. They are simply estimates in estimate books.

According to the information which I have had, and as I understand it, the estimates are subject to review and/or amendment prior to going to the committees providing those amendments are before the House.

The difficulty with this situation—and I'm not going to belabour it because I think that I probably stand alone in my concerns, but I feel they should be on record—is that we now have a procedure established by which we will be discussing—not, I understand, today, but at some future time—the estimates of the Ministry of Community and Social Services or the supplementaries, subject to receiving from the minister at some time the reconciliations which I understood we would have before the meeting was to commence today. We don't have them yet.

As I understand it, Management Board cannot transfer of its own initiative. I have just been handed a copy of an earlier Supply Act



and I haven't had the opportunity to discuss it, but do I understand then that by motion at the time of the introduction of the supply bill at the conclusion of the estimates, at that point we may vary and transfer, when we can't do any of these things before the committee? This is what is causing me concern.

The function has been transferred to Community and Social Services. The votes will be in the other three ministries, save and except for those which were already in Community and Social Services. By what procedure do we then ensure the transfer out, because according to my information Management Board cannot delete, the committee can't delete, the transfer can't be done? I really want only to be sure that we can do what is being proposed, as I see it quite irregularly, so that we can be clear that these moneys will, indeed, be available to that function in that ministry?

How do we accomplish that if no one in the intervening period is able to effect a transfer or is able, in fact, to delete a vote? I still don't understand it. I am sorry, Mr. Speaker, if I am being dull in this, but I do want to understand it before I proceed to deal with these estimates.

**Mr. McClellan:** Mr. Speaker, I regard the solution that is being put forward today by the Chairman of the Management Board as an acceptable solution. I think it does set straight what I can only characterize as incomparable bungling in the management of the organizational transfer but it seems at last, in my view, to be set straight and it's a procedure that I am comfortable to live with.

As I understand it, the moneys in each of the three ministries other than Community and Social Services will be voted on in each of the estimates of the other three ministries. We will vote in committee on the supplementary estimates. We will discuss all of the items in social development with respect to Community and Social Services. There will be a Management Board certificate issued under the Supply Act to legitimize and authorize the transfer of funds from the three old ministries to the Ministry of Community and Social Services once supply has been voted, and I think that that deals with the inadequacies of the previous procedures and that we can proceed.

I want to make it clear, however, that I am not willing to resume the debates on Community and Social Services until we are provided with a complete reconciliation statement which deals with the transfers from the Attorney General's ministry, Correctional Services and Health on a program and line

basis, because, as I indicated on Friday, we have received four different sets of figures from the Ministry of Correctional Services, discrepancies as between the estimates book figures and the Community and Social Services resource and program book summaries.

As recently as a quarter to three, I was provided with another set of figures with respect to the actual amounts of the supplementaries. I simply want to have a clear and coherent reconciliation statement in plenty of time in advance of the next sitting of the committee so that we don't have to waste the committee's remaining four and a half hours on trying to figure out where the dollars are but can, in fact, address the real substantial issues of children's program and children's policy.

**Hon. Mr. Norton:** I would like to assure the hon. members opposite that the complete reconciliation statement will be available to them. It may in fact be here now. I have not personally received it yet but it was prepared and was in the process of being reproduced for the members of the committee. I expected it to arrive here by 3 o'clock this afternoon. I can certainly assure members, since I understand it is the decision of the committee not to sit until tomorrow afternoon, that it will be delivered to them this afternoon as soon as it is received by me. Should they have any questions in the intervening period between now and the sitting tomorrow, I will make my staff available to explain any further questions they might have.

**Mr. Breithaupt:** I wanted to confirm the comments of the hon. minister with respect to sittings of the committee this afternoon. We had agreed that if this information was here in sufficient time and if the reconciliation had been satisfactorily explained, particularly to the two critics involved, the member for St. George and the member for Bellwoods, that this could then be proceeded with, probably tomorrow afternoon.

The one point I wanted to raise in the statement of the Chairman of Management Board follows along on the sequence of events the member for Bellwoods had proceeded through; that point was one which he did not raise, but which I understand is also included in the sequence, to the effect that in effect the moneys which are being transferred under the responsibility of the Ministry of Community and Social Services are in fact blocked to the use of the other ministries from which they are being transferred. We will, therefore, vote those moneys technically in the estimates of the other three ministries, Attorney General, Correctional Services and Health, but in fact the responsibility and the control



of those funds becomes a function of Community and Social Services, and will be discussed all at one time once proper reconciliation is received to the satisfaction of the two opposition critics.

I think if the Chairman of Management Board can confirm that sequence, then probably we have resolved the matter.

**Hon. Mr. Auld:** That is correct, and in fact that has been the case since the passage of Bill 23 in July. That bill, now an Act, transferred the responsibility for and the authorization for spending funds for certain activities. Consequently, even if we hadn't proceeded any further today, the ministers of the three ministries from which the funds are being transferred have not had the authority to spend, nor have they I assume spent, any money on those functions.

What has happened, for the benefit of all members of the House, is that since the passage of that bill the Minister of Community and Social Services has had the responsibility and has carried it out and has charged back by journal entry those expenses, because the only ministry that currently can pay them is the old one, but the only ministry that can do it is the new one. In the normal course of events, we would have had our estimates completed and the relevant clause in the Supply Act, as it has been in the Acts that are passed each year. This is from 1975 but it is the same as this one will be. I will just quote it for the information of all members and so that it is in Hansard:

"Section 1(2): Where in the fiscal year ending March 31, 1976"—in this case—"powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the schedule is based"—I wish we could put a few more commas in these—"that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the ministry to whom the powers and duties are so assigned and transferred."

[3:30]

In the normal course of events when we have transferred, as we do every year it seems to me, some responsibilities from one place to another, it has been after we have had supply. In this case, it's quite a distance before and the responsibility has been carried out quite properly. We have now quite

properly, by supplementary estimates, put forward the total sum. This is because the supplementary estimates cover the additional money for the children's services which is not found in any of those three ministries.

The motion permits the committee to hear the discussion of those amounts, even though they aren't in the estimates. When supply is given, then the certificate of Management Board will be issued.

Motion agreed to.

## INTRODUCTION OF BILLS

### ASSESSMENT AMENDMENT ACT

Mr. Leluk moved first reading of Bill 95, An Act to amend the Assessment Act.

Motion agreed to.

**Mr. Leluk:** Mr. Speaker, the bill provides an exemption from municipal taxation for additions and improvements to real property that are designed to aid persons who are physically handicapped.

### CONDOMINIUM PROPERTY MANAGEMENT FIRMS ACT

Mr. Leluk moved first reading of Bill 96, An Act to register Condominium Property Management Firms.

Motion agreed to.

**Mr. Leluk:** Mr. Speaker, this bill provides for the registration, bonding and inspection of condominium property management firms.

## VISITOR

**Hon. Mr. Davis:** Mr. Speaker, I'd like very briefly to introduce to you and members of the House a young gentleman in the Speaker's gallery, Mr. George Allain, who is 18 years of age. The reason he is in the gallery is that the International Optimists' Club every year has designated National Youth Appreciation Week, and this happens to be the week, starting today.

Traditionally they have designated an honorary prime minister and governor general. The Ontario district of Optimists' International has this year, in an effort to recognize that there are other levels of government, designated an honorary premier of the day. This young man has been given that designation and is here in that official or unofficial capacity.

It's also very coincidental that the young man who is assuming this responsibility—and there is the odd day I wouldn't mind him doing it, not many though—also, by coincidence, happens to be a student at a certain high school in a certain community that is



well known to the Premier of this province that happens to be in the city of Brampton. I would hope that someday, and who knows—well I was going to get political.

Our guest, or your guest, is an honour student. He is a very excellent athlete; is very involved in community activities, particularly in the recreational field. My first experience with him was during a period of slight tension with the school situation in Peel some few months ago.

It's an honour for me, Mr. Speaker, to introduce him to the members of the House and on behalf of all of us, I am sure, say thank you to Optimists' International for its belief and confidence in our young people, that it is prepared to set aside this week and give it the kind of focus that I think is important.

### ORDERS OF THE DAY

#### ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

(concluded)

House in committee of supply.

**Hon. Mr. Welch:** Mr. Chairman, just before we resume these estimates and for the sake of understanding, I thought that perhaps with only two hours and some minutes to go it would be reasonable to assume that these estimates could be completed by 6 o'clock so that we can have the Attorney General on hand and ready to start promptly at 8 o'clock with his estimates?

**Mr. Stong:** Mr. Chairman, I think it is a reasonable assumption that we should be finished by 6 o'clock. There is only one vote left to go, although there are two very important items in that vote to which we will address ourselves. But I think it is fair to assume two and a half hours will do it.

**Mr. Warner:** That's fine.

**Mr. Chairman:** Is that agreeable to the committee?

Agreed.

On vote 1604 Ontario Provincial Police, management and support services program; item 1, office of the commissioner:

**Mr. Stong:** All of the other items in vote 1604 have been dealt with and approved, except item 1. Upon our conclusion last Friday, I had raised a question with respect to the \$9 million that was included in the estimates. I referred to the September 30 financial report. The minister indicated that the money had been spent, but contrary to that the Chairman of Management Board (Mr. Auld) indicated that the money had not

been spent. As I understood it, it formed the basis of a contingency fund and was subject to an authorization of commitment and, in fact, would be subject to a Management Board order at the end of February. The Chairman of Management Board indicated February as the example, I am wondering if there is sufficient money in these estimates to cover those situations that will develop until the end of February and whether the \$9 million amount of which I speak, and which was reported, is designated for the month of March, being from March until the end of the fiscal year for the Legislature.

**Hon. Mr. MacBeth:** Mr. Chairman, we have just heard the Chairman of Management Board deal with this matter in the House, and we had some discussion at that time. I must admit that I am probably not as clear as I should be in the matter of how these votes are handled when additional funds are required. I do, however, have a statement in regard to the question that the hon. member for York Centre raised at the end of our sittings on Friday morning.

Mr. Stong asked the question regarding a spending increase of \$9 million for this ministry during 1977-78. He asked if this had, in fact, been spent and what it has been spent on and how it was authorized.

The actual total is \$9,891,600 and the request has been for Management Board commitment only. The Management Board order has not been approved to date. The breakdown of the request is attached. Part of the money has been spent from present appropriations. This is normal practice until a Management Board order has been approved.

I understand Management Board orders are approved quarterly and that we are operating from other sums in our votes, and that as long as we are operating within those sums and get the permission of the House to spend this before we need this \$9 million that we are covered. In other words there's a bulk sum there, and as long as we don't need this there's a certain flexibility among the others. But at the same time, the procedure, I think, has been explained to the House earlier this afternoon by the Chairman of Management Board, and I'm afraid I can't very well enlarge on what he has said.

**Mr. Stong:** I wonder if the minister could give me an idea, dealing with this specific ministry, how much of that \$9,800,000 sum has been spent up to now? Although I assume it forms part of a contingency fund, how much has been spent prior to Manage-

ment Board approval? Could the minister give me a breakdown of that figure?

**Hon. Mr. MacBeth:** Mr. Chairman, my information is that it's a continuing process of money being spent and that we don't have the breakdown as of this time.

**Mr. Stong:** Mr. Chairman, I wonder if the Solicitor General could undertake to give me that breakdown before the end of these estimates?

**Hon. Mr. MacBeth:** I don't think I can, Mr. Chairman, before the end of the estimates, unless we go on somewhat after the full 6 o'clock time. I imagine there's a fair amount of bookkeeping involved in trying to take a particular date and figure out how much has been spent on this vote to date—say as of 4 o'clock or any particular time. I think we can do it, but I think it would take a little time to do that.

**Mr. Stong:** Mr. Chairman, I would be satisfied then to have that as soon as convenient to the minister.

**Mr. Lupusella:** Mr. Chairman, I would be pleased if the Solicitor General would send the breakdown information about the total amount of money which is involved, so that I may get along with this proposal.

Item 1 agreed to.

Vote 1604 agreed to.

On vote 1605, Ontario Provincial Police, operations program; item 1, special services:

**Mr. Stong:** Mr. Chairman, through you to the minister, I am concerned with several aspects of the first item, special services, as outlined in the supporting material. I'd like to direct a few questions to the minister if I may on some of the headlined activities of the special services branch. I understand it's under the assistant commissioner. It deals with such things as the anti-rackets branch.

I'm wondering if the minister could give the House some indication what personnel are involved in anti-rackets, dealing with white-collar crime, and more specifically the more sophisticated fraud schemes arising out of business. What is the ministry doing with respect to keeping on top of these sophisticated fraud schemes?

For instance how many accountants are employed by the ministry and on what basis? How many engineers, if there's a fraudulent scheme involving an engineering enterprise? How many types of professional, and what categories of professional individuals are involved in white-collar crime? I would also like to have some idea of the involvement of this ministry with bank management personnel in solving this type of crime.

Likewise I direct the minister's attention to the criminal investigation branch under this item, which is dealing, again, with expertise in investigation of major crimes. What is the ministry doing and what types of major crimes are involved or envisaged? Is it simply fraud or what other type of crime is involved?

I'm also concerned, under the intelligence branch heading, about what the ministry is involved with in regard to organized crime in Ontario? What is being done? How many personnel are employed in studying organized crime? What kind of hours are spent and what efforts are made in detection and follow-up in this area by this particular intelligence branch?

[3:45]

I am concerned about the type of personnel that is employed under this heading and what efforts are being made by them to control this situation.

Under the special investigations branch heading is included the matter of drugs and drug control. Does this particular area of item 1 include the employment of RCMP personnel? Are there any RCMP officers on the payroll of the Ontario government with respect to drug law enforcement; that is, drug detection and dealing? Could the Solicitor General give us a breakdown on that area? Or are the police forces of Ontario alone involved in drug detection and control? If so, how much of the police force is directed towards that particular area of special investigation?

I'd like to begin with those questions, if I might.

**Hon. Mr. MacBeth:** Those questions cover a great deal of the operations of the force—and important operations. I have a great deal of information here but I will try to shorten it and make it as concise as I can.

The anti-rackets branch is responsible for the investigation of white-collar crime, including diversified rackets and fraudulent schemes, and of the manufacture and distribution in Ontario of counterfeit and forged instruments such as payroll cheques, money orders, bonds, credit cards and currency.

Files on questionable companies and schemes are continually reviewed to correlate the volume of information coming to our attention, to watch the involvement of province-wide schemes and to investigate and prosecute when there is sufficient evidence to show a pattern of fraudulent activity.

Similarly, records are compiled to show the frequency and volume of counterfeit



uttering in the various regions of the province.

The present complement is 30, consisting of one staff superintendent, one chief inspector, 15 detective sergeants, seven acting detective sergeants, two sergeants, one corporal, one secretary, one clerk-stenographer category 3 and one clerk-stenographer category 2.

The member asked specifically about the training of some of these people. My information is that quite frequently in these matters they require outside help in connection with the services of accountants and people of that nature; when they need that kind of service, for the most part it is contracted out. But at the same time there are some pretty knowledgeable people by reason of experience in the force itself.

Ninety-seven assignments were brought forward into 1976, 494 new investigations were commenced, and 170 carried into 1977. Some investigations were very complex and time-consuming. In a large number of investigations where there was insufficient evidence to prove criminal intent, adjustments were effected to the satisfaction of the complainants amounting to more than \$1 million. In other words, they may not have had enough evidence to make convictions and yet a service was still performed as far as the public was concerned under the heading of adjustments.

Cases involving 96 persons charged in previous years with 693 charges were disposed of this year. A further 896 charges against 291 persons were preferred this year. These charges covered a total of 64,131 actual offences. We're getting into the matter of statistics again when I name the number of persons charged and the number of offences committed.

The total loss to victims in the cases investigated during the year was \$5 million in round figures. One hundred and five persons were convicted on 763 charges; 263 persons are still before the courts on 694 charges; 49 persons were sentenced to jail; 20 were given suspended sentence; 28 were fined a total of \$578,000; and eight received absolute discharges. Restitution of \$80,798 was ordered by the courts. There were 112 dismissals and 221 withdrawals. A total of 331 search warrants were executed.

I don't expect the hon. members to follow all of those figures, but it does show there has been considerable activity in this field. We go on with the amount of paper that is seized in these cases, and in the investigation of these cases there are problems of time in reviewing all the documents that are in-

volved, even to the matter of storing and getting them ready for trial.

The total amount of counterfeit currency—passing to counterfeit now—currency other than seized, throughout Ontario was again very high, being \$253,280.50—I don't know how they get the 50 cents in there unless they're into counterfeiting a few coins—for the 12-month period. I can give the member a lot of this information if he wants it in detail. Counterfeit money seized and uttered in Canada is composed of about 97 per cent American currency, with the remainder being Canadian. In all probability, this is due to the new multi-colour Canadian currency, which to date has not been duplicated. There is a lot of interesting information in here which I'll be glad to share with my friend if he wishes it.

Prosecutions in the branch during the year again covered a great variety of criminal offences and included charges of conspiracy to defraud, attempted fraud, fraud, defraud the public, theft, false pretences, obstruct justice, perjury, make false declarations, possession of valuable securities obtained by fraud, uttering forged documents, impersonation, make counterfeit money, possession of counterfeit money, uttering counterfeit, theft from mails, possession of instruments of forgery, arson and false affidavits. So that covers a wide gamut of offences.

We dealt, of course, with some of the OHIP matters of the Ministry of Health, and that is continuing, as I understand it; some matters of Ontario Place Corporation for our own government. Then you passed to criminal investigations. The Ontario Provincial Police force is required by statute to maintain a criminal investigation branch for the purpose of assisting municipal police forces. This branch, which has been in existence since the inception of the force, provides investigative expertise in the investigation of major crimes to all police throughout the province.

Functions include: investigation of major crimes, such as murder, kidnapping, robbery et cetera within the jurisdiction of the force; assist municipal police in the investigation of major crimes in the province; assist Ontario government ministries in the investigation of criminal matters within their ministries; assistance to the office of the chief coroner in the investigation of questionable deaths; maintain liaison and render assistance to the RCMP, Quebec police force, FBI and other border forces regarding serious criminal matters; provide expertise in the area of hostage/kidnap situations and extradition proceedings; maintain files on all investigations



and inquiries made by the criminal investigation branch.

The criminal investigation branch complement is composed of the following: One director, 27 detective inspectors and three clerical staff. They haven't given me what category the clerical staff fall into there. During 1976, members of the criminal investigation branch were detailed to a total of 373 assignments, including 38 murder investigations. Then we go on and say a little bit about the kind of training these people receive and where, and then some other mentions of some matters that they had been involved in.

I think you passed then to the matter of the special investigation branch, and it is my understanding that there are no RCMP officers on the payroll of our force. There is, of course, much liaison work done by way of joint force operations but they are not attached to our force in any way, nor do we pay for them. They may be working in the same office together, or out of the same premises, but the members of the force involved are each paid by their respective forces, so I understand there are no RCMP staff on our payroll.

The special investigations branch is comprised of three sections which, although they have separate areas of responsibility, all have a relationship in that they deal with an area of mortality, drugs, gambling and liquor. The complement of the branch is comprised of one branch director, 10 supervisors, 46 provincial constables, one secretary and one clerk-stenographer.

I have a list of some of the training they go through and where they take it. The drug enforcement section with a complement of one inspector, two detective sergeants, two corporals and 31 provincial constables, was established to administer the forces' drug enforcement program and to provide assistance in investigations requiring expertise. The 31 constables in the section are deployed at various locations throughout the province in joint force operations with the RCMP, which may also periodically involve local municipal police departments. In Metropolitan Toronto they work together very closely.

In 1976, members of the section were involved in 3,508 investigations which resulted in 1,247 charges being preferred. These figures do not include RCMP figures as there were many investigations by the RCMP which did not involve section personnel. I have a list of some of the matters with which they were involved and I'll be glad to share this information with the member if he so wishes.

**Mr. Stong:** I wonder if the minister could give me an idea of how the \$6.5 million is

being apportioned in this particular vote, special services. Could he give me a breakdown under each heading, such as anti-rackets, the auto theft branch, the criminal investigations branch and the intelligence branch, as well as the security and special investigations? Could he give me an idea of how much is allocated to each of those branches?

I understand there is difficulty getting charges laid and enforcement made under the Business Practices Act. It's been on the books now for some two years and there's very little activity with respect to enforcement of that Act. I wonder if you could give me some idea of the difficulty surrounding the enforcement of that Act and why there have not been more charges laid with respect to practices under that Act. I wonder if you would direct your attention to it and inform the House with respect to the number of personnel involved in watching and detecting organized crime in Ontario and what the success has been in that area.

**Hon. Mr. MacBeth:** On the administration to special services, I do have a breakdown here but I think you'll probably be satisfied with the totals. If not, we can share this information. There is \$113,000 for the administration end; for anti-rackets, \$871,000; auto theft, \$213,000; special services criminal investigation, \$957,000; special services intelligence, \$880,000; and special services special investigation, \$1,508,000.

You asked about the number of personnel that we have specifically dealing with organized crime. There are about 125. When we give you that figure, I think there is some problem in saying they deal exclusively with that, because there's a certain flexibility in the movement of personnel. The figure the commissioner gives me is 125.

[4:00]

Under the Business Practices Act, as my hon. friend knows it's the responsibility of Consumer and Commercial Relations. That doesn't help him, though, in giving him an answer to his question.

I was not aware there was any problem between the police and the Ministry of Consumer and Commercial Relations. I suppose if there is it is a matter of getting the necessary evidence. I think we do our best to support them any time they call upon our services.

I wonder if I could clarify that for my friend. Is he suggesting that Consumer and Commercial Relations has said that we were not co-operative? Just exactly what is the question, because I'm not aware of any prob-



lem, and evidently we are not aware of it either?

**Mr. Stong:** Mr. Chairman, through you, I was given to understand this was the case by a sergeant, whose name I have forgotten, who was in court last week and I happened to meet him as he was trying to get the proper wording of a charge under the Business Practices Act. I understand that it's a situation that has developed in Hamilton. It's a landmark case, they're waiting for the decision on this particular case.

I was given to understand that there were only two or three officers who were charged with the responsibility of investigating under that Act and preferring charges, and that although the Act has been in force for three years now, since 1974 I think it was, there have not been very many charges laid or prosecuted. I'm just wondering: Is it because of the lack of personnel or lack of expertise, lack of court facilities or lack of know-how in how to interpret and enforce that Act on the part of the police departments that there have not been more charges laid? Perhaps you could give us some assistance.

I might say that I'm not suggesting a lack of co-operation; I think it may be the lack of personnel, if in fact there is a problem; and I was given to understand there was a problem in enforcing that Act.

I'm wondering what is being done by way of training personnel. I would imagine it is a very sophisticated and technical Act to enforce and requires expertise and know-how in the different aspects of the business world. I'm wondering what the police department is doing in acquiring such personnel to enforce this Act.

**Hon. Mr. MacBeth:** The Ministry of Consumer and Commercial Relations does, of course, have its own investigators. It does much of the investigation, which as you have said is highly technical in itself.

The note that has been passed to me is along the line that if it was drawn to our attention it was probably because of some breach of the Criminal Code, in which case we would take it from there and carry on. But as far as the examining of a prospectus and things of that nature, that work is done in the Ministry of Consumer and Commercial Relations. I don't know of any complaint reaching my ears where we have not given them the assistance to lay charges for any breach of the Criminal Code, but I believe they would lay their own charges under a breach of their own Businesses Practices Act or the Securities Act or things of that nature.

**Mr. Lupusella:** In this particular vote, 1605, we are really dealing with an astronomical

amount of money. As a reference, I would like to suggest to the Solicitor General that in the next estimates we should have background information as to how this amount of money is spent.

In his opening statement, he spoke about organized crime. That's the area in which I'd like to get more information, because it seems that the Solicitor General and this government are quite happy about how the issue of organized crime is dealt with in the province of Ontario. I'm not happy about the word that organized crime is under control. We now find out under this vote that we are dealing with this total amount of money. I would like to ask the Solicitor General whether, on top of this money, he is also taking into account the 726 RCMP officers who are presently operating, just in Metro Toronto. I am not sure whether or not the Solicitor General has the information on how many RCMP officers are involved around the province of Ontario in fighting organized crime.

We are dealing with this enormous amount of money just to keep control of the situation. Also, we see that the federal government is employing 726 RCMP officers just in Metro Toronto, not considering other officers around the province of Ontario. Yet the word is that organized crime is under control.

First of all, I never have received an answer from the Solicitor General—and I think my colleague, the member for Oshawa (Mr. Breaugh), was trying to dig out this particular information last year during the estimates—as to what organized crime means in the province of Ontario. How do you define organized crime?

If I recall correctly, on November 3, 1977, my colleague the member for Scarborough West (Mr. Lewis) asked that particular question of the Solicitor General in relation to the RCMP officers involved in Metro Toronto and around the province of Ontario. From the answer which was given by the Solicitor General to Mr. Lewis's question, it seems that the total number, just in Toronto, is 609 plus a support staff of 117, being a total of 726. The Solicitor General explained that those officers were needed in Metro Toronto because of the increase in drug activity, commercial crime, customs and excise infractions, immigration and passport abuses and organized crime. That is a completely different world, far different to other activities in which the officers are involved.

So first of all, I would like to ask the Solicitor General what he means by the words organized crime. How is organized crime eradicated here in the province of



Ontario; and in particular in Metro Toronto? Also, I would like to ask the Solicitor General what kind of leadership he has given, not in relation to organized crime but in relation to the police force, the OPP and the RCMP, to find out what is going on in this field.

Actually, if the Solicitor General and other representatives of the police force have been opposing the issue, then a royal commission inquiry should be called in to investigate organized crime. I am inclined to ask the Solicitor General whether or not he would present briefing material to the Legislature to find out how the government is fighting organized crime. Of course we are not interested in names, but at least we would have an idea how organized crime is operating in the province of Ontario in order that the Legislature might estimate whether or not organized crime in Metro Toronto is really under control, or if it is something this government should take a look at.

At the moment, despite all the information which has been given by the media and by the CBC, I do not, personally speaking, have any knowledge whether or not this organized crime is under control. I am sure the Solicitor General is in touch with the OPP, the police force and the RCMP to have an up-dated report about what is going on in relation to this particular item. We are dealing with a lot of money.

In his official opening statement, quoting from page 7, he said: "The only thing which the Solicitor General has been saying is that as part of our responsibility my ministry has been continually alert to the problem of organized crime in Ontario and has directed effective efforts to contain this type of activity."

Perhaps he's alert, but there was the question which my leader raised on November 3, 1977, about the enormous increase of RCMP officers here in Metro Toronto and around the province of Ontario. I am just talking in hypothetical terms but I have to think that maybe organized crime is under control because of the federal government. I don't know with whom the provincial government has been getting in touch, as a result of the question of extra help from the RCMP. Maybe in that respect organized crime is under control.

We are dealing with an enormous amount of money which can be very well utilized. If there is a problem, I think that organized crime exists and we don't know how organized crime is operating here in the province of Ontario.

The only thing which the Solicitor General has been giving to us is statistical data. It

seems when I went through the estimates last year, and when my colleague the member for Oshawa was requesting an answer to the particular question what is organized crime, the Solicitor General was reluctant to give a particular answer to that.

I would like to know what organized crime is, how it is operating, by which branch of our society it is being eradicated and what the police force is doing to counteract the proliferation of organized crime.

There is no sense in the Solicitor General just providing statistical data. We want the statistical data to have an idea of what the OPP and the police force are doing in the province of Ontario, but organized crime, as I stated previously, is something which is completely different from the activities in which the police force and the OPP are involved.

As to it being under control, the fact that the federal Solicitor General, Mr. Fox, came to Toronto and stated that the province of Ontario didn't do enough to fight organized crime is something which is raising suspicions in my mind about the whole activities of this government to take into great consideration this particular aspect of our society.

I am sure the Solicitor General has all the information about it and I think he's supposed to spell out to this Legislature through briefing material on organized crime what is going on and what the police force and the OPP, in co-operation with the RCMP, are doing in relation to this particular problem which is affecting our society.

[4:15]

I continue quoting from the Solicitor General's statement: "An excellent example is joint force operations where two or more police forces aid each other in a concerted effort to deal with the particular organized crime problem that has been identified. The success of the RCMP, the OPP and the local police forces, through joint forces operations with continuing assistance from the Ontario Police Commission, demonstrates the ability of the various police units to co-operate."

When I made my opening statement in relation to comments Mr. Fox made here in Metro Toronto that the province of Ontario didn't do enough to control organized crime, the Solicitor General simply told me: "Why don't you ask him? For us the phenomenon is under control."

I don't know why he made such a statement. The Solicitor General should be deeply involved in that situation. He should provide some kind of leadership to fight back at organized crime if it exists in the province of Ontario. It seems officials of this government



are not inclined to call a royal commission inquiry; members of the Legislature should have some background information to analyse and evaluate the seriousness of this problem affecting our society in the province of Ontario.

Of course the total amount of money spent, is spent for a good cause. But we also want to know how the money is spent and what we have achieved by the financial expenditure which has taken place in the last few years to fight organized crime.

I don't think the public has the assurance organized crime is really under control, despite statements made in the past few months by officials of the police force. I thought the Solicitor General would have provided more information after making such a statement, that organized crime is really under control. I don't have the statistical data; I don't have the information. I don't know what organized crime means or what the police force is doing in relation to this particular factor. I think the Solicitor General is supposed to expose, little by little, this particular problem, because the public is affected by the whole matter.

We need more sense of leadership. It is easy to find the total amount of money which we are talking about in these estimates, because there is a course on how to spend the money. We would like an assurance from this government that organized crime is under control and indication of the branches of our society from which organized crime has been really eradicated. Mr. Chairman, I would like to have an answer on this matter from the Solicitor General.

**Hon. Mr. MacBeth:** Mr. Chairman, I expect there will be more questions on this, and I am particularly looking at the member for Rainy River (Mr. Reid), I would be disappointed if he didn't have a few words to say about organized crime. My friend from Dovercourt has not asked a specific question, other than what we were doing about putting organized crime under control; since that is a pretty broad subject, I think, Mr. Chairman, it might be wise to wait until all those who wish to speak on organized crime deal with it. Then I will try to deal with it.

**Mr. Nixon:** Mr. Chairman, I don't see an item specifically labelled organized crime in the vote before us. However, I do want to say something associated, I suppose, with the control of crime under vote 1605, and I will be brief. It involves the OPP detachment presently headquartered on Colborne Street in Brantford, Ontario, which has responsibility for a large rural area around Brantford.

The minister may know their detachment headquarters is a refurbished home, and the facilities are considered to be inadequate by everyone who has to use them. I won't bother listing the inadequacies, because the minister must surely have a report in that connection; but on behalf of the citizens in the area, and particularly of the fine detachment which uses those facilities, I wanted to be sure that the minister was aware that the local member—myself—also feels they are inadequate.

I understand, of course, that the Ministry of Government Services provides these facilities, but surely it does so only when the minister makes a recommendation in that connection. I did not want to allow these lengthy estimates to go by without being sure that the minister was aware of that need.

I know his mind is concerned with organized crime, but fortunately we don't feel that we are plagued with that kind of an emanation in our area. It may be because of the efficiency of this very detachment that I'm talking about. I would say, Mr. Chairman, that the minister has the prime responsibility to see that the facilities are kept up to date and this is one area where I would urge that he take some immediate action.

**Mr. Breithaupt:** Mr. Chairman, since the matter has been raised by my colleague from Brant-Oxford-Norfolk, I would take that opportunity as well to refer to the facilities which the OPP uses in the city of Kitchener. I would suggest, even though I have not seen this Brantford detachment office, that whatever it's like, it must be two or three times better than the facilities that the detachment has to use to service my community.

It becomes, I realize, a matter of great concern to the Solicitor General that the Ontario Provincial Police are not housed and served no doubt as well as he and his officials would prefer. I recognize that it is a serious commitment of funds to upgrade facilities, but I do draw to the attention of the minister—indeed I'm sure he is aware of it—the difficulties which our particular communities of Kitchener and Waterloo face in attempting to have the Ontario Provincial Police deal with their responsibilities out of the facilities in our community.

Waterloo region and the area of Brant, I certainly trust, are at the top of the list of facilities that are needed. I recognize that there has been construction of various police installations, particularly along and in connection with the highways as a more convenient operations point since much of the work deals with highway traffic matters, but I



would not want this opportunity as well to pass, now that the matter has been raised by my colleague from Brant-Oxford-Norfolk, then to remind the Solicitor General again of the circumstances and the surroundings in which the detachment in Kitchener has to work.

**Mr. Warner:** Mr. Chairman, if I understand correctly, we're on vote 1605, item 1, and while the member for Brant-Oxford-Norfolk may not note that organized crime is involved in this vote, I note by the information provided by the ministry that the intelligence branch is indeed funded under special services. The stated objective of the intelligence branch is the investigation of organized crime subjects and their associates, and those investigations are made in relation to the activities of other groups actively engaged in major criminal activity in the province, and such investigations are conducted in conjunction with other law enforcement agencies on a provincial, national and international level.

The branch gathers, analyses and exchanges intelligence information through a network in which it has established itself as a vital link. So I put to the minister what I would say is a very clear question from my colleague from Dovercourt: From your description and the amount of money that you're spending on it, it sounds as though you must have some idea as to what kind of organized crime it is that we're talking about.

What kind of organized crime exists, for example, in Metropolitan Toronto area? How deeply rooted is it in our community? Can you, for example, clear up for me how big a holding organized crime has in apartment buildings in Metro Toronto? Is that the kind of information which the intelligence branch is collecting? I don't know the answer to that. I assume that the Solicitor General does.

We hear rumours all the time. We have people come and talk to us. I get the impression that organized crime, as it applies to Metro Toronto, is heavily involved in the owning of apartment buildings, laundries, and bakeries. But we never get those answers.

Perhaps the minister would go over the reasons for not having a public inquiry into all of this, because what we get is just a series of questions and they become more anxious with time.

We don't know how deeply rooted organized crime is in our community. We don't know how serious a problem it is. We would like to know if we have reached a point in time where it is serious enough that we should drag it out into the open and do something with it—put it to rest once and for all.

We don't know whether as the Solicitor General has indicated in the paper, through connections with other police forces, both national and international, our police have all of this under control. That is why we are asking the questions. We would like to know specifically what kind of involvement organized crime has in Ontario. Is it gambling? Is it drugs? Is it apartment buildings? Is it bakeries? What is it? How deep is it?

Why on earth, finally, can't we get this out in the open? Other jurisdictions have gone into open public hearings and they seem to be starting to put some of these people away. Heaven only knows, there isn't a member in this House who wouldn't support some good strong action to put away those people who are involved in organized crime in our community.

We can't grope around in the dark forever. We have to have some answers from the government as to how deeply involved this business is and what it is going to do about it. I don't think it is good enough for us to have estimates every year where we get the same answers back to us when we ask these questions, and just be told: "That's fine. Just sit there. Organized crime is well under hand." We need some facts to back up that statement.

If the Solicitor General tells us that it is well under hand, that he's got it under control and so on, let him give us some facts to back that up. And let him give us some substantive reason as to why we shouldn't have a full public inquiry into this business and get it out into the open.

Perhaps the minister could address himself to some of those specific questions that I have asked as to the extent—at least in Metro Toronto if he doesn't know of other jurisdictions; but at least in Metro Toronto—how deeply involved is organized crime in our city? And what kinds of businesses are they into? Does he know that they have strong connections or that they own apartment buildings, as I suspect they do, bakeries and laundries and other businesses?

**Mr. Reid:** Mr. Chairman, it is interesting to see that members on both sides of the House have similar thoughts in regard to organized crime. I would like to ask the minister some specific questions as well. I realize the difficulty that the minister has in dealing with this topic. I appreciate the fact that there has to be a certain amount of secrecy, I suppose, for want of a better word, in regard to the OPP's intelligence unit in connection with the surveillance of organized crime.



The problem I have as a member of this House, however, is that for two or three years I have been talking about this matter, I have been pushed off with the response: "We have it under control. We know who the people are involved. It's not as great a problem as you think. We can't really give you any details because we don't want to blow the investigations that are currently under way."

That's been going on for some time and, as my colleague has pointed out, we really don't have any concept, at least as individual members of this House and certainly the public at large, as to just how deep the tentacles of organized crime go in the community of the province of Ontario.

[4:30]

I trust we won't get into any argument about the definition of organized crime. The Attorney General (Mr. McMurtry) in his statement of February 1, 1977, defined it as continuing illegal activity.

I understand there was a significant move a year or two ago, or perhaps even longer, when the motorcycle gangs took a large part of the drug trade away from other sections of organized crime which had been dealing with that particular business. We realize that when we talk about organized crime it's not something as well organized in a sense of say the government of Ontario and so on; but there are various branches, various levels. As a matter of fact if they did operate like the government of Ontario we wouldn't have organized crime, because they'd be out of business, there wouldn't be any profit. Their own incompetence would do away with them.

About a year ago my secretary, knowing of my interest in this matter, gave me a book called the *Canadian Connection* which dealt primarily with the organized drug trade, mostly in the province of Quebec and the city of Montreal. But in that book there were many references to connections with Toronto, Hamilton and southern Ontario, by people involved in that particular aspect of organized crime.

As well there has been a well-researched article in *Quest* magazine. I happened to speak to some of the people who were involved with that and they indicated that the problem was much deeper and much larger than in fact the article indicated. We had the CBC, exposé I suppose is the word to use, in which there was apparently a lot of innuendo. Many people were smeared with guilt by association. But there seemed to be a steady pattern in all these books and articles and television documentaries that indicates that this problem is severe and that

it reaches into almost every facet of life in the province.

My colleague was asking whether these people were involved in the ownership of apartment blocks or bakeries or pizza places, or in the trade labour unions. We had Justice Waisberg's report some time ago, which seemed to indicate organized crime was involved with some of the labour unions. I think it's really time we dealt with these matters and made the public aware.

This may be naive, but it's naiveté based on ignorance because of lack of answers forthcoming from the government and those responsible for this particular responsibility.

The police are always complaining they don't get enough support from the public at large. Here's a case where the public doesn't know what to do about it. If they have some information or some knowledge they might be prepared to come forward at a public hearing; on the other hand, of course, they may not.

I recall, we can't say exactly "the disclosures," that the former member from High Park (Mr. Shulman) made in the Legislature. With his usual unerring accuracy he was wrong on two or three occasions, which seemed, as usual, to wipe out any credibility he might have had on the things he was in fact right on; but there seemed to be enough there to indicate a very severe problem. I asked in January, through our research office, if any statistics were available on the number of convictions that were registered in the courts in the province of Ontario relating to organized crime.

As I understand this information was to be obtained from the Solicitor General and the Attorney General, and we were told at that time that neither the Attorney General nor the Solicitor General's office kept track of convictions under the heading of being related to organized crime. However, on February 1, again of 1977, in the Attorney General's statement, the gist of which was that there was no need this time for a public inquiry, he says, and I quote: "The senior police officials also stated that they had no difficulty in identifying major crime figures, but the problem was the gathering of sufficient evidence to arrest and convict such individuals. However, they also pointed out that the efforts of the task force had led to the arrest and conviction of at least 16 known members of organized crime in the Toronto area alone."

There's a number of questions related to this and I'll make them specific.



Number one is, does the minister have specific statistics as to the number of convictions related to organized crime in the province of Ontario? Can he indicate the extent and in what particular areas organized crime is deeply involved?

In light of his statements and answers to me in the last year or so, and the Attorney General's statement that they in fact know who are the people involved in organized crime but the problem is in gathering evidence, in this day and age, Mr. Chairman—I hate to suggest this—but do perhaps the OPP and the RCMP require new or modified laws in order to give them the ability to gather the evidence to convict people involved in the organized crime field?

Those are three or four specifics, Mr. Chairman, but I would just like to add a further one along the lines that have been laid out. Why have the Solicitor General and the Attorney General not seen fit to hold a public inquiry into this matter? Mr. Cohen, I believe, is the name of the counsel for the crime commission in Quebec. He was quoted in some of the local newspapers back in January, stating that Ontario should in fact also hold such an inquiry; that it would be beneficial.

The only real answer we've had is that the senior law official's advice to both yourself and the Attorney General is that it would serve no purpose at this stage. I would be more inclined to accept that advice if I really knew the extent to which we were speaking.

I'd like to ask the Solicitor General one further question. In his estimate, and the estimate of the intelligence unit of the OPP, has in fact organized crime at all levels grown in the province of Ontario in the last five to 10 years, and has it grown significantly?

Mr. Samis: Mr. Chairman, my remarks will be rather brief. Following quite logically, actually, those of the member for Rainy River, I recall a mayor of a city in Canada who made a very brazen public statement: "Organized crime does not exist in this city." He was totally opposed to the idea of a crime inquiry.

But that crime inquiry was set up in the city of Montreal, and it did study organized crime in the city of Montreal.

Some people would say, "Well, what did it accomplish?" Some people would say, "Nothing"; others would say look at the record. Certain people did end up in prison, not for the actual crime that they were allegedly charged with committing, but people like Cotroni were brought to public light; along with Dasti, the Bronfmans. And some of the loan-sharking going on in Mont-

real, some of the gambling operations, some of the prostitution operations, some of the drug operations were exposed. Somebody might argue, "Well the police knew about that anyway, that was nothing new."

I think it's extremely important in the field of organized crime that the public have some idea of what's going on and not have to rely totally on magazines and the odd enterprising journalist like Jean-Pierre Charbonneau and his book.

I would suggest that the minister consider what the crime inquiry in Quebec has done in terms of public knowledge, public information, and a sense of public participation. You may say to a certain extent that when it was televised the way it was done it became dramatic and theatrical, and probably even somewhat of a circus.

The fact is that the people of Quebec did find out who were the chief perpetrators, organizers and master minds of organized crime. I recall some of the newspapers in Quebec, for example, had charts galore of the interlocking relationships between the businesses, the investments, the families and the gangs in Montreal. I think there's a very worthwhile purpose if public knowledge and public perception is increased and the public demand to government, to the police force is that much greater. I would really love to hear the Solicitor General answer the direct questions put to him by my colleagues from Scarborough-Ellesmere and from Rainy River; I would love to hear him make the same declaration as the mayor of Montreal and then challenge him to have the same inquiry that disputed and disproved everything that the mayor of Montreal said. Thank you, Mr. Chairman.

Mr. Stong: This particular item was opened up to my colleague from Kitchener and my colleague from Brant-Oxford-Norfolk—the matter of facilities. I would like to address the minister's attention to two items: First, I was advised that the facilities for the OPP in Whitney were in worse condition than those described by my friend from Kitchener. I was given to understand that Whitney is serviced by four police officers on three shifts, which gives one police officer a shift off, or a day off; that the nearest police station is about 200 miles away and the communication is so lacking and so inadequate that the police officer has to leave the building to use the radio in his car to summon help. I wonder if you could confirm that situation. It would seem that in Whitney not only is a police officer required to patrol the highways but also the OPP in that area is charged with the responsibility of criminal investigation as well,



thereby jeopardizing the safety of the officers as well as creating inadequate supervision or service for the people in that area. I'm wondering if you could perhaps assist the House with respect to the situation as it exists in that area. Likewise, on the organized crime questions, I had asked earlier on this item with respect to the number of police officers involved in the detection and policing of organized crime from the OPP standpoint. I was advised there is a variable of 125 police officers, which I accept.

I'm also wondering—and I asked at that time and I have no answer for it, although it follows along with what other members have spoken on, particularly the member for Rainy River. I appreciate that many of the matters of which we speak are confidential and ought not to be disclosed to the public for the reasons of security. However, because there is a variable figure of 125 police officers involved in organized crime, I wonder if the Solicitor General could give us statistics about what type of investigations those 125 officers have been involved in, and what kind of charges have been laid. I'm thinking also in terms of prostitution, and what segments of our business community have been scrutinized by this force of 125 police officers. I wonder if you could incorporate answers to those questions in the answers to the questions more specifically asked by other members.

**Hon. Mr. MacBeth:** First of all to deal with the matter of accommodation. There are many detachments across the province for whom we would like to provide better accommodation. Part of this has been caused in that over the last three or four years, contrary to this year, we have had increased numbers of police officers serving throughout these various detachments. I know one up in Muskoka area, Huntsville, where I visited the other day; certainly they're on shift work as far as using the lockers and things of this nature is concerned. We could go across the province and point out many places which are not as we would wish them. We put our requests in. The Ministry of Government Services is responsible for completing those requests. They supply the funds and give us the various buildings. As you know, they have some constraints on at the present time.

[4:45]

There may be one or two incidents where police services are suffering because of a lack of adequate housing and even facilities, as you mentioned—perhaps in Whitney where you indicate, although I don't know that that the radio communication is not

what it should be. Certainly, the force itself is putting the pressure on me and I, in turn, am putting the pressure on the Minister of Government Services (Mr. McCague) to give us what I consider very important—that is, a supply of better accommodation.

Specifically, my information in regard to Brantford and Kitchener—Kitchener, of course, has a regional police force and the OPP there are simply doing highway patrol—is that the need in Brantford far outweighs the need in Kitchener. So I'm sorry that it's not the member for Brant-Oxford-Norfolk who has heard that reply rather than the member for Kitchener. You were having a slight argument with him about who has the highest priority; I'm afraid the member for Kitchener loses that argument.

**Mr. Breithaupt:** I'll accept being second, Mr. Minister.

**Hon. Mr. MacBeth:** All right, that's fair enough. I don't want to get anybody's hopes too high but my note is that we are negotiating for land in Brantford today. I don't think that necessarily means we'll be negotiating in Kitchener tomorrow.

At any rate, we are aware of the Brantford situation and we do evidently have some funds for acquiring the land. Subsequently, of course, we have to get approval for building the buildings. However, I've made note of Kitchener-Waterloo region and Whitney as well.

That comes around to this whole matter of organized crime. I did give a talk—it was a hurried talk—in the budget debate last April when I announced that we were receiving some additional \$1¼ million to deal with this matter. I went into many of the matters that have been asked about today by many of the members. Not that I expect my speeches to go on record or be reviewed by the member for Dovercourt or any of these other places as great historical documents, but you say that I haven't dealt with them; I certainly did mention many of the things and gave some of the answers that you've asked for today. I gave them at that time.

I'm not indicating to you that I am satisfied with the condition or the control of organized crime in this province. As I've said on many occasions, if any crime exists, whether it's so-called organized crime, robbery or assaults of any nature, then the police are not satisfied with it nor am I satisfied with it. As long as we have any kind of crime I don't think we as members of this House or the police can say it is under control. The fighting of crime of all sorts,



organized or otherwise, is a continuing battle and I expect it will be a continuing battle. I don't want to leave the impression that I am complacent about it and say that organized crime is under control.

You ask, how deep do the tentacles of organized crime go? I ask you, how long is a piece of string? If we knew how deep they went I suppose we would have all the evidence we needed to get all the convictions we would like to get. But I would also ask you how deep do they go in the province of Quebec or how deep do they go in any of the states in the United States where they may have had the kind of inquiry that some members urge this government to institute here.

I suggest that other than to parade a list of people whom we know and whom are already known in the other jurisdictions, little can or would be accomplished by this other than some kind of spectacle—and I don't want to be critical of Quebec but as one of the members admitted here today, the way it turned out to be in Quebec it was a bit of a circus.

As I've said many times, we have many people in this province whom we suspect of organized crime. You have asked for a definition of organized crime. I gave that definition last April. In my own words it is, "continuing activity of one or more people to commit breaches of the Criminal Code." It's much broader than some people would consider. I'm not singling out any one race or nationality because it affects all races—it doesn't depend on the matter of race. All people, all nationalities in part engage in this matter of organized crime.

**Mr. Reid:** That's a very democratic outfit.

**Hon. Mr. MacBeth:** It's true. We could point to people or groups who, some suspect, are more involved than others, but that just isn't the case. You even get Scottish people dealing in organized crime occasionally. I'm not going to tack it down in that way but will keep to the broader definition of organized crime.

Some of you are already taking offence at that reference. I see my deputy sitting back when I say that.

In any event, I don't know how deep the tentacles of organized crime go. We're flushing it out wherever we can, wherever we have any evidence or any indication that it exists. I'm suggesting to you organized crime in this province is not one, two, three the way it was in Quebec where they had a host of unsolved murders obviously connected with gangland slayings of one sort.

**Mr. Samis:** You're drawing lots of parallels.

**Hon. Mr. MacBeth:** We don't have that situation here. I'm not waiting for murders to bring it forth.

**Mr. Samis:** Just bomb incidents.

**Hon. Mr. MacBeth:** Yes, we've had some bombings we've suspected are attached to organized crime and they are being investigated.

I would remind you again, a few convictions came out of the Quebec inquiries but those convictions were obtained through the Ontario courts and from evidence we had obtained prior to the inquiries. Out of the Quebec inquiry, all you had were a few convictions for contempt of court, and as I said before, that's not the way I like to see justice done. I like justice to be done by good police work, by gathering evidence and laying formal charges. We have had some success in bringing to justice some of those people the papers and others would recognize as being attached to organized crime. There are many more we feel are operating here and whom we have under surveillance.

You ask what more could be done. The changes in electronic surveillance the Criminal Code permitted a while back have been a help. However, that can be a very costly and time-consuming way of gathering evidence and the more police do it that way, the more they realize nothing can substitute for the good old fact-finding kind of evidence, getting out there where the crime exists and getting factual evidence as opposed to recorded evidence of some sort or another. The amount of recording they do sometimes to get one little piece of evidence is pretty enormous and it's very costly and time-consuming.

I don't know whether we should be making any representations, but on the matter of what can be done, relating it to the situation in Ottawa at the present time, when warrants are obtained for a search, a search may be conducted without the knowledge of the person involved but, as you know, you must report that afterwards. I think that's right and proper. The risk to do otherwise would probably be too great. But once you have reported the person upon whom the warrant has been issued, the case is blown and you can't carry on the same investigation. In other words, you get a warrant to search, but you don't find what you're looking for. The fact you are making the search is then brought to light and that ends the operation at that time.

The risk in allowing these searches to go on without disclosure is too great, but that is



the kind of delicate path we have to travel when we're considering what can or cannot be done in the interests of bringing some of these people to justice, at the same time, protecting the rights all of us want to continue to enjoy, and in fact should enjoy.

Let me be a little more specific. The force occupies approximately 90 per cent of the buildings—No, that was not what I was looking for, that was accommodation. I will give you that, too, if you want it.

**Mr. Breagh:** That is almost as bad as his giving his speech to the wrong audience.

**Hon. Mr. MacBeth:** I will give you the speech because you were asking about it. Maybe you would like it, but it has to do with the matter of accommodation and where some of our problems were. But I think in the interest of brevity, I will move over to what I wanted, organized crime.

When we speak of organized crime, we do not refer to the Mafia or the Cosa Nostra type of families which exist in 28 major cities in the United States. Organized crime, in our terms, refers to all aspects of major organized criminals; in other words, crime that is organized. The main concerns of crime in Ontario today, according to the Ontario Provincial Police intelligence and other major police force intelligence agencies, are the following. By the way, you were asking me to list some of them and I listed these in my chat back in April.

Loan sharking—I think is one of the most serious—along with gambling, fraud, drugs, infiltration of legitimate businesses and pornography. The order in which the aforementioned appear does not reflect the order of importance.

Loan sharking—we all acknowledge that loan sharking is one of the major money-making schemes of the criminal element. Spinoff crimes from loan sharking have been, and still are, responsible for many other crimes, such as bombings, beatings, business take-overs, bankruptcies, thefts, drugs, murders and so on.

Gambling—this source of revenue for criminals is quite prevalent in the Toronto, Ottawa and Niagara Falls area. I am using the words "quite prevalent" so that I am in no way being complacent about it. The OPP and major police forces are continually bringing in people before the courts on charges relating to book-making, et cetera. One may rest assured that organized crime is behind all major gambling within the province.

Frauds—many types of frauds have been exposed recently. This could include welfare, unemployment insurance, OHIP, large scale

real estate and so on. Frauds on elderly people, whether it be the so-called bank inspector fraud or the aluminum siding fraud, are of main concern to this branch. A fraud pertaining to OHIP was recently uncovered. This involved people visiting Italy, returning to Canada with large amounts of medical bills supposedly paid by them while in Italy and submitted to OHIP.

Drugs—the drug situation in Ontario is no different than in other areas in Canada. Ontario, like the rest of Canada, could be considered a victim country for hard drugs, such as heroin, cocaine, et cetera. These are being brought through Canada for distribution to the United States. Controlled drugs such as methamphetamine, or speed, are unfortunately mostly manufactured in Ontario and distributed throughout North America. The largest percentage of this drug imported into the United States is manufactured in Ontario. Several clandestine labs have been discovered in Ontario during the last year, which indicates a multi-million dollar business. We find members of outlaw motorcycle clubs involved in almost all cases.

Infiltration of legitimate business—organized crime involved in legitimate business in Canada is considerable, and Ontario is no exception. These businesses could include hotels, motels, night clubs, restaurants, bakeries, garbage companies, manufacturing companies, distributor outlets and many more.

What happens in most, if not all cases, is that after penetrating a legitimate enterprise, it is operated in an illegal manner. Competitors are intimidated. Stolen merchandise is purchased at cut-rate prices for resale. Employees are paid less than union wages, and so on. Organized crime subjects involved in this area keep themselves well insulated from the law. The legitimate business interests impart respectability and social standing within the community. Investment in legitimate businesses offers the best area to convert "dirty" money into "clean" money.

Pornography—the distribution of pornographic materials, such as books, films, et cetera, is forever on the increase. This is probably due to the permissive society we live in whereby everything from advertising to movies at the local theatre is sex-oriented. Most of this material is manufactured in the United States and smuggled into Ontario.

This is by no stretch of the imagination a complete description of organized crime activities in Ontario and Canada, but perhaps it is sufficient to point out the seriousness of the problem.

[5:00]



It has been said that organized crime is the most sinister form of crime. Some of those involved have become rich and powerful by encouraging the needy to gamble; by luring the troubled and misguided to destroy themselves with drugs; by extorting the profits of honest business people; by collecting usury from those in financial difficulties; by injuring, or even murdering, those who oppose them; by bribing those who are sworn to destroy them.

Organized crime is not merely a few preying upon a few. In a very real sense it is capable of subverting not only Canadian institutions, but the very decency and integrity that are the most cherished attributes of a free society. I think when I read that to you, you can't say that either I or the police take organized crime lightly.

I have said on two or three occasions in this House, and certainly outside the House, that if the police of this province advised the Attorney General or myself, or both of us, that a public investigation would help them in their inquiries—would help them to produce the evidence that they cannot get otherwise—then we will certainly take it under serious consideration. My concern would be that it would be a kind of Star Chamber court which I think most of us here would have great trepidation in entering. But I think if the situation was so bad that the police were recommending it, then there might be reason for taking that extreme measure.

I don't feel that we are at that at this point, nor do the police who are advising me; and that is not just the commissioner of the OPP but also the major metropolitan forces as well as the local commissioner of the RCMP. All of them at the present time advise against an inquiry.

Any recommendations for an inquiry have come from newspaper writers and people of that nature. I recognize their legitimate concern in wanting the public to know what is involved in organized crime. At the same time I think some of them have a motive to bring undue publicity to this matter, in that it will make a few great headlines for the length of time this inquiry lasts. It might be nice to oblige them in that respect, but our concern, and the concern of the police, is that this would do more harm to the quiet and successful work the police of this province have been doing, than the benefit we would gain by such an inquiry.

**Mr. Reid:** I appreciate the remarks the Solicitor General has made, but I wonder if he could specifically answer a couple of questions. First, is there any evidence or do you

have any information as to organized crime being involved in labour racketeering? Second, would you answer the question that I asked you before—in the opinion of the OPP intelligence unit, has organized crime been on the increase in the province of Ontario? By that I mean: One, are there more people involved in it? Two, are they into more areas of concern than they were before? And three, has the sheer volume of dollars that they are milking the public of gone up substantially in the last few years?

I am not trying to be provocative about this, but there is something that I have read about when Robert Kennedy was the Attorney General in the United States. He built his reputation to some extent on attacking or getting at organized crime. He built his reputation somewhat as the Attorney General in the province of Ontario has built his, in making headlines but not really doing much of substance.

In one of the statements of the former US Attorney General, he said that organized crime could not flourish in any community without the active knowledge of corrupt politicians and/or corrupt police. That's a very provocative statement. I appreciate it has a lot of potential for attacks on people, on our politicians—which we, of course, in this chamber are—and on our various police forces. But it was an interesting comment and it is one that sticks in my mind.

I wonder if the Solicitor General could also comment on that—if he feels that organized crime in fact can exist in an atmosphere, not necessarily where the police or the politicians are winking at it, but where the public at large seems to look upon it, particularly some aspects, such as gambling which the minister mentioned as an example. A lot of people do not really look upon the numbers games or betting two bucks on the horses, or whatever, as organized crime. In fact, they tend to look upon these people as providing a much-needed social service.

I would be interested in the Solicitor General's remarks about the ability of organized crime to flourish under the circumstances of corrupt politicians and corrupt policemen.

**Hon. Mr. MacBeth:** I am sorry, I didn't make proper note of all of the questions the member for Rainy River asked me.

First of all, to deal with the matter of the quotation by Robert Kennedy, I think he had three factors: Corrupt politicians; corrupt police; and corrupt courts. I am pleased to make my affirmation that we have none of those here in Ontario.



Having admitted that we have organized crime, you may suggest then that there is some inconsistency with the statement of Kennedy and myself when I say that we have none of those factors here. I think the word may be "flourish"—that organized crime flourishes under those situations. I honestly don't believe that organized crime is flourishing in this province. It is certainly doing its best because where there is easy money involved that is where they come in. I talked about pornography and loan sharking and prostitution and that is where there is easy money. And that is certainly where they are ready to pounce.

But because our police have made it difficult for them, I suggest to you that organized crime does not flourish in our provincial setting, but we must be always vigilant to make sure that it doesn't. Certainly if we have corrupt politicians or corrupt police or corrupt courts that is exactly what they are looking for and it too would be a sad day for this province if that happens.

Labour racketeering—the Waisberg inquiry went into the possibility of organized crime in labour and could not come up with any conclusive evidence. Then the answer is probably the answer that the commissioner gave to me—that it is difficult to say whether—no, that is the next matter, the increase of crime. All I have to say in regard to labour organization is that it may be there but the Waisberg inquiry could not come up with any kind of evidence. That is an example of an inquiry that really sort of suggested things, but didn't produce the evidence that was necessary to get convictions. It didn't come up with enough evidence in the way of organized crime to get any convictions from it.

In the matter of whether organized crime is increasing or not, the commissioner tells me that it is difficult to measure this, to say, "Yes, we are," or, "No, we aren't." In my mind, and I am just speaking my own personal thoughts here, perhaps organized crime is a little more intense than it was five years ago, but I think probably not as bad as it might have been one or two years ago. That is because we are putting more emphasis on it. We have joint force operations now—we have always had them, but we have more of them now, and they are better manned. We may be critical of the RCMP putting more people into the province, but drugs is very much involved and drugs as I have related is an international matter. I know you are concerned with the traffic back and forth across the river at that point in the Rainy River area. So I am pleased to have the help of the

RCMP when it comes to organized crime and the matter of drugs.

We have had more concentration on organized crime in the last two or three years, not only by the OPP, but by the Metropolitan Toronto force and by other municipal forces and of course by the RCMP as well.

Because of the emphasis in the last two or three years, organized crime is less in existence today than it was two or three years ago. Yet, when I ask the commissioner in a whisper for his comments on it, he says it's difficult to say because there is no good measurement. That must be my official answer—difficult to say because there is no good measurement.

**Mr. Reid:** I wonder if I could ask—

**Hon. Mr. MacBeth:** You have another question. That may be the one I haven't gotten down to.

**Mr. Reid:** I just have one question which would wrap up my thoughts on the subject. The logical conclusion is that the estimate is up by \$1 million; my question is this: Do you feel that you have enough money by way of funds, and therefore personnel, to deal with this problem which, while we can't seem to quantify it, seems to be a major problem in Ontario? I want to assure the Solicitor General that if, in fact, he needs more money and more personnel, I for one will be ready and willing to vote more funds for this particular vote to see that this matter is taken care of.

**Hon. Mr. MacBeth:** That's an embarrassing question to ask me in front of all the senior police personnel here today. My answer is I would like more funds to look after the OPP of this province and other policing commitments.

We talked about the need for better accommodation. I have a very expensive updating of our communications system that I would like to put before the cabinet and eventually get approval for. We know we talked in this House about the possibility of letting certain staff go. Thank goodness, we decided against that. We have some restrictions on our recruiting of new officers. Many of the municipal forces across the province would like more. I'd like to be able to do more for the Indian constables, and recruit more of them. Certainly the northern detachments would like more personnel. But I'm a part of the government and, as a part of the government, I realize our overall commitment to trying to balance our budget. Sometimes, as Provincial Secretary for Justice, naturally I would like to see more money spent in the justice field.

The Justice field, if you look at the overall expenditures of this government, takes a very



small proportion. I think about four per cent of the expenditures of the government are spent in the Justice field. So, we in Justice did not get the rapid expansion of our budgets a few years ago, as Social Services did. Now, when there are restraints applied on an across-the-board basis we feel that maybe we are hit a little harder than some of the other fields.

But, those of you in the House who are looking at the Social Services field, I don't think would say that we should cut back in what we're doing in the Social Services field for hospitalization or for retarded children or whatever it may be, so that the police can have more money.

Representing the Justice field and representing the Solicitor General, I am saying that I am not satisfied with the funds we are getting. But when I look at the problems of the government in balancing our budget, I say I think we've got our fair proportion.

**Mr. Lupusella:** A royal commission inquiry into organized crime is out of the question unless the Solicitor General receives future information from the police force that indicates that such a royal commission inquiry is required. As I asked in my previous speech, is there any way that the Solicitor General can undertake that particular task by requesting from the police force that a preliminary report into organized crime be prepared in order that in six, seven, or eight months' time this preliminary report will be tabled in the Legislature?

**Hon. Mr. MacBeth:** I'm getting reports on a weekly basis. When I say that I don't mean any formalized reports, but every time I speak to the commissioner, and that's quite frequently, or any of the other heads of police forces across the province, we talk about these things. You ask if I'm going to get any specific reports; I say I am getting reports on an almost weekly basis from somebody in regard to the state of organized crime in the province.

[5:15]

I don't know what I can tell you about anything more, other than to mention names of people charged and convictions that have been obtained. I have certainly not minimized the effect of organized crime here in the province. I don't know what they know about organized crime in Quebec where they had an inquiry that we don't know here.

**Mr. Samis:** The public in Quebec know a lot more than we do.

**Hon. Mr. MacBeth:** I am not so sure they do. All they have is a list of people who are suspected in dealing in underworld activities

of one sort or another. I don't know whether that has made Quebec any less healthy for organized crime and any safer for the good citizens; this is the question. I say the convictions for organized crime have been obtained here in this province, not in the province of Quebec where the inquiry was held. The evidence was gathered here and the courts here obtained the convictions.

I don't know what we can tell you that you don't already know about it. You ask if I will give you a report in six months' time. I am always happy to tell what I can to the House, but short of giving you a rundown on the evidence that is presently being obtained and the investigations that are under way—which I am sure you don't want me to do nor would it be in the interests of what we are all seeking—I don't know what more I can do.

**Mr. Lupusella:** We are not interested in the names. We are not interested in the evidence. What I am requesting of the Solicitor General is an overall review of the activities of organized crime in the province of Ontario, especially in relation to any particular sector in which organized crime is eradicated and the percentage of people who have been charged with particular crimes committed in that field.

What I am requesting is a preliminary report on the overall situation of organized crime—organized crime in capital letters, not just about robberies or other things, which, of course, the Solicitor General might give us from time to time.

Organized crime is something which is there. I am sure that the Solicitor General and the different branches of his ministry are trying to discover really what is going on in the underground world of organized crime. Of course, we don't have the information and the Solicitor General, in a very thoughtful way, is coming out with this overall situation report about organized crime. By his tabling a report in the Legislature in six or seven months, then I am sure the members will be able to gain a general assessment of how serious the problem is in the province of Ontario and in Metropolitan Toronto. Then the public, at least, is going to find out what is really going on in their community.

Of course, the Solicitor General is getting weekly information from the police force related to organized crime. Actually we hear something about organized crime either from the newspaper, or at the end of the fiscal year when we are dealing with the estimates. But I am talking about a general, overall review of organized crime, with a full report about those particular activities taking place in



different sectors of our society; it is something which we require in order that members of the Legislature can assess the seriousness of the problem in the province of Ontario.

**Hon. Mr. MacBeth:** My friend is again being general and he wants me to be specific. If he will tell me, first of all what kind of crimes he wants reported, if he will give me a summary of the kind of information he wants rather than just sit back there and say "give me a report on organized crime in the province," then I will try and do just that. But first of all he's got to tell me what kind of crimes he wants included in this; a list of what kind of convictions. If I knew certain people were engaged in organized crime then the police would know about it and they would be following that up with that kind of evidence.

I tell you it's very dangerous to try to give you names. I could give you a list of names where charges have been laid and some convictions have been obtained. But some of those are presently under appeal. If you will give me a guideline as to what you want, then I will study that guideline and try to get those reports from the police.

But remember this. Prostitution, for example is one of the serious things that organized crime is engaged in, but not every conviction for prostitution is organized crime. That goes all the way through the statistics that I might give you. If you will give me the guidelines as to what you want instead of talking in generalized terms as you've done throughout these estimates, and tell me specifically, "this is the kind of information I want, this is the definition of organized crime that I want to include," if you'll be helpful to me in that way, I'll try to be helpful in return and give you the kind of report you're suggesting.

**Mr. Lupusella:** If I had the guidelines I would not request that information from the Solicitor General. One point I want to emphasize is that I felt really disturbed about the CBC program on organized crime. I think the public felt disturbed as well to know there are certain activities going on in the province of Ontario and around Canada in relation to organized crime.

Of course I'm not interested in names. That is something which the court of law and the Attorney General and the Solicitor General and the police force are supposed to be interested in. There is this kind of general sense that organized crime is going on in the province of Ontario.

I gave the example of the CBC program. I was shocked about that program. I think

the public was shocked as well. We don't know what is going on and it is this kind of assessment for the province of Ontario, that will be beneficial to the public and it will be beneficial to the members of this Legislature to assess the seriousness of the problem.

**Mr. Stong:** There are three questions that I'd like to ask the minister as a result of statements he has made.

Firstly, with respect to the CBC program, did that program bring any new information to the police, the OPP or the Metropolitan Toronto police that they were unaware of prior to watching it on television? Have any specific investigations been initiated or conducted as a result of information that was brought to the attention of the public arising out of that program?

I wonder if the minister can also advise the House—you've indicated or designated certain areas where organized crime is being investigated, such as bookmaking, fraud, and other areas like that—how many investigations have been frustrated, or charges not laid or how many court cases were lost because of the refusal of witnesses to testify or to co-operate with the police out of fear of retaliation of some sort?

I'm wondering as well if he could advise with respect to the administration of justice and the amount of money that's ploughed into the administration of justice, what percentage of the fines that are levied in the province of Ontario are returned into, or ploughed into, the financing of the administration of justice?

**Hon. Mr. MacBeth:** My information with regard to the CBC—and the commissioner was just confirming it on a little broader basis—was that no, there were no new names brought forward in the CBC program that we here in the Ontario jurisdiction didn't know were operating, or allegedly operating, in Ontario. The additional information the commissioner has given me is as a member of the Canadian police chiefs' association and in talking with other chiefs, it appears the program brought forth no names new to them either.

That is maybe the kind of publicity the member for Dovercourt would like me to give to this matter of organized crime. But that program, although it may have stirred up a fair amount of interest among the public, accomplished little. It dealt with this matter of innuendoes about which we've got to be very careful and it made some innuendoes. I understand there were no names brought forward and no additional

investigations carried on, by reason of that program.

**Mr. Stong:** Did that program interfere with any of the investigations being conducted?

**Hon. Mr. MacBeth:** The commissioner tells me no, it was mostly past history, so I can't say it did any damage other than perhaps to the characters of some people who may or may not be involved.

I have no figures on the number frustrated because of refusal of the witnesses to testify. I don't know whether that would be easy to compile or not. I'll make some inquiries in connection with it. I think it's a good question, particularly when we're dealing with organized crime. I understand one of the reasons they have trouble getting the evidence they need is the fear of reprisals. The commissioner doesn't know of those figures being presently available, but I will try to get them because I think they could be very useful to us.

**Mr. Stong:** I wonder if you would share them with me as well.

**Hon. Mr. MacBeth:** I would be glad to.

**Mr. Stong:** Thank you. With respect to the amount of money levied by fines in Ontario, how much is ploughed back into the administration of justice? Perhaps we should increase the fines if there is a fair amount.

**Hon. Mr. MacBeth:** They go back, as I understand it, to the consolidated revenue fund through the Attorney General and I don't have that information. The Attorney General's estimates are coming up, as you know, maybe later this evening if you're through with me, and that's a question he may be able to answer for you.

The Treasurer, I guess, is really the person who would have that information because I don't think they go to the Attorney General's ministry as such, but back into the consolidated revenue fund. But he may have a pretty good idea, since it's administration of the courts.

**Mr. Kerrio:** Help Darcy balance the budget.

**Mr. Stong:** I take it then, that the minister is not in a position to advise me as to what percentage of that goes back into the administration of justice at this time. Is there any way that he could find out?

**Hon. Mr. MacBeth:** I don't think any of it goes back. Some of the municipalities get fines for speeding and that sort of thing—breaches of their municipal bylaws which go back into their coffers. On a provincial basis all you would have to do is take any particular part of the administration of jus-

tice, see what the revenue from fines is and get your percentages that way. But we don't look at it in that sense.

**Mr. Warner:** In an effort to be finished with the minister, as he puts it, I'd like to state, before I begin, that I have found this minister to be one of the most co-operative ministers in the Legislature.

(Applause.)

**Mr. Warner:** And the Minister of Revenue should applaud. He is one of the most sincere and well-meaning people, who tries to run the affairs over there in a very straightforward way.

**Mr. Stong:** Having said that.

**Mr. Warner:** But I'll tell you, Mr. Chairman, I am very disturbed with the answers I got to my questions. For a long time this whole business of organized crime and the questions related to it as raised by opposition members has been somehow sacrosanct. It's always appeared we should trust what the government has to say about the issue because everyone knows all of us are trying to eradicate crime of all sorts, whether it's organized or not. Raising questions suddenly clouds the whole thing. Suddenly it casts a shadow upon the opposition members. I find that very disturbing.

[5:30]

For a long time we were told to trust that there wasn't any organized crime in Ontario; it just didn't exist. That was a government line for a long time: "It doesn't exist. It's not there." We move on a bit and the government finally admits, "Yes, it is there but trust that we have it under control." Today I'm told: "Yes, it's in those sort of broad areas but trust that if I gave you any more details on it, it would hamper our work."

I submit that it is a responsibility of the government of the day to inform the citizens as to what they can expect in terms of peace and security and what they can expect in terms of their daily lives. The Solicitor General used the example of prostitution. He said some of the convictions in prostitution were related to organized crime while others weren't. Very simply, perhaps he could indictate how extensive it is. Are we talking in terms that out of every five convictions the police are assured that one, two or three of them are connected with organized crime; that a portion of the money which those women are receiving is going back to organized crime? We want to know the extent of it.

When I ask the question about the control of apartment buildings in Metro Toronto, I'm not asking the Solicitor General to name



those particular buildings but simply to indicate the police estimate that out of X units in Metro Toronto, a percentage of them are controlled or partially controlled by organized crime; that the police estimate that out of X bakeries in the city, so many of them are controlled; that we have some idea of what kind of money we're talking about that finds its way into the hands of organized crime.

Surely by raising those questions we are doing nothing more than trying to assist the public by trying to give the public the kind of information which surely they deserve. I take those questions to be nothing more than that. The government surely has to move away from this position of implying some sort of shadow over all of us that we're not dealing with things in good faith or that we're seeking headlines or whatever. It simply isn't fair. We need some of those answers.

The public surely is entitled to know the extent of organized crime in our community and the amount of money we're spending on it. The public now knows how much money the police are spending; that's what these estimates are all about. We're spending millions and millions of dollars and not knowing what we're getting back. We don't know what we're getting back for that expenditure. We don't know how many members of organized crime are being locked up, how many are under surveillance or how extensive their business is.

Finally, I would like a little more definition from the minister. I cannot quite so blithely dismiss, as he does, although I wish to believe it, the business that was raised by the member for Rainy River. Obviously every one of us would like to believe there is no corruption whatsoever throughout our entire political system, our courts and our police. But how can anyone just blithely toss that out without giving us any sort of definition, without indicating whether or not those three avenues are under any sort of surveillance? How do we know that the police are not given to any corruption? How do we know that there's no corruption in our court system?

The CBC program would indicate to us that organized crime is flourishing better now than it ever did. If so, there must be a reason for it. But the Solicitor General is telling us, whatever the reason is, that it is not embodied in either the court system, the police system or the political system. If that's the statement he's going to make, I think he should have some hard evidence to back that up, instead of just making a statement, which again we're all being asked to trust, that we should trust the statement

that's thrown out. Well, that's not good enough.

It's not because of any doubt in your integrity; not in the least. It's simply a concern that we have to have all of the facts, not just a few statements, because we've gone along for far too long trusting. We trusted for ages that there was no organized crime in Ontario, only to discover that that wasn't so. Now we discover, through the CBC, thank goodness, and a few other places, that organized crime is not only alive but it's doing quite well in Ontario and seems to be flourishing all the more. If you're going to fight it with the millions of dollars we grant then, please, tell us how the money is being used.

I think the member for Dovercourt had an excellent suggestion of coming in with a report a few months from now with some real details as to what percentage of the apartment market is controlled and how much money that's loaned out through agencies to individuals is actually organized crime money—all of those details which we desperately need and the people of Ontario are entitled to.

**Hon. Mr. MacBeth:** How could I give those details? If the police had them we'd be glad to give them, but you want to know how much money is lent out. Think of how practical that suggestion is. How in the world will we know how much money is lent out in organized crime unless we have convicted everybody who is engaged in organized crime in this province and have an examination of their books, so we can say, "Yes, we have convicted all the people who are engaged in organized crime. We know everybody who's there. Here's a list, here's their books and here's how much money?"

That is the kind of statistics you want me to produce. You can't produce statistics on suspicion or on incomplete knowledge. As I say, we can give you statistics on the number of convictions in any kind of crime that you want, pretty well—those statistics have been brought under question—but you're asking me for facts on things that aren't necessarily all known. That's why I said to the member for Dovercourt—and I want to be co-operative—if he can give me the kind of report that he wants, as one of the opposition critics, I'll be glad to try to give him that information, but to just make statements in the air, as you've just made, that we should know what percentage of dollars is involved in such and such—if we knew that information they'd all be in jail.



It's like asking me to tell you how many murders are going to take place in Toronto tomorrow. We don't know those figures, and we can't tell you that until after convictions have been registered. You say I'm putting the opposition under a shadow, maybe you're putting the Solicitor General and the government under a shadow in suggesting all of these things.

If you will give me the kind of details you want—you've just made one suggestion and I hope your other suggestions would be a little more practical—we'll try and give you that information. Remember, I can't do it on the basis of suspicion. Simply because we've got 10 people under surveillance on suspicion of being involved in organized crime, I can do very little about that until we get convictions. If we knew what apartment building or what bakeries or anything else were actively in this business then I would hope that we would have moved in on them by that time and that they would be statistics of convictions rather than statistics of suspicions.

Dealing with the matter of courts, politicians and police, I said that those conditions did not exist which would allow organized crime to flourish. I'm not saying that we don't have the odd bad politician or the odd bad police officer or the odd bad judge who gets into difficulty from time to time, but generally speaking, the police, the politicians and the courts of this land are not a part of organized crime. We have, as I say, the odd isolated incident, but the conditions don't exist in those three bodies that in any way allow organized crime to flourish or even happen in this province.

**Ms. Bryden:** I'd like to ask the minister if he has studied the report which was prepared by some Toronto aldermen on the places of amusement and the adult entertainment industry in the city of Toronto, particularly the problems with the so-called sin strip on Yonge Street?

I understand the writers of this report felt there probably was a connection between organized crime and what was going on in the sin-strip but they did not have the powers or the opportunity within their terms of reference to establish whether there was a connection and, therefore, they asked for a royal commission on organized crime as the only way of finding this out. This is a very serious problem in the biggest city in the province. When that city in a report which was adopted by council asks for a royal commission, it should carry a good deal of weight with the government.

The other thing the report recommended very strongly is enabling legislation from the province to permit them to cope with the situation on Yonge Street in a much better way. I wonder if the minister has studied that report as to the kind of enabling legislation they would like and whether he is prepared to support the introduction of enabling legislation which would come, I understand, through the Attorney General's ministry.

**Hon. Mr. MacBeth:** In reply to the last question first; yes, if there's anything that the provincial government can do to make it easier for the police of Metropolitan Toronto to control the situation on Yonge Street, I'll be glad to support it. However, as you know and as I know, morality is a matter of the criminal law. We always come back to this point. When we suggest some changes that may be made to the criminal law, such as loitering charges, then we run afoul of the civil liberties people.

I'm prepared to support whatever we can do within our own field to help to clean up Yonge Street. The majority of the problems there deal with the criminal law and we've been running afoul, in suggesting changes there, with some of the other principles that we're all concerned about.

When you talk of the Sparrow report, I saw it and read it. At that time they were asking for changes, again at the provincial level, when as subsequent events showed they had all the power they needed to clean up Yonge Street. They've done a pretty good job, since that tragic incident, of cleaning up Yonge Street. In Metro they have one of the best, if not necessarily the best, police forces in North America. It needs public support and it needs the support of the politicians to do some of this cleanup. But when the Metro police were instructed to go to work on Yonge Street they did. It was public opinion that allowed them to make the changes and do what they have done.

I don't know if there's anything very much in the Sparrow report where we can help at the present time, but if there is I'd be certainly glad to support it.

**Ms. Bryden:** The minister said the city of Toronto had discovered they had sufficient legislation to clean up Yonge Street. They have since found they cannot control the location of the sex shops which were previously there until they get enabling legislation because of the non-conforming use under the zoning laws.

The neighbourhoods committee last week asked the Minister of Housing (Mr. Rhodes)



to bring in such an amendment. I understand the Minister of Housing has written them and said that until the province produced a white paper on the problem he would not consider enabling legislation. There's one area where enabling legislation is needed and where the province appears to be dragging its feet. We've had no word as to when this white paper may come out.

**Hon. Mr. MacBeth:** I think there's more involved than that would suggest, Mr. Chairman.

Item 1 agreed to.

On item 2, law enforcement—uniform:

**Mr. G. E. Smith:** I'd like to speak on this item and ask the Solicitor General one or two questions. This deals with uniformed law enforcement, as I understand. I would like to say from personal experience that I know about the efficiency of the officers in the Muskoka area and also in the Barrie detachment.

[5:45]

I would like to ask the Solicitor General a question as to summer patrols on the water and traffic patrols on highways. I note that the vote is up almost \$1 million. I would hope that some of the extra funding would provide additional staff to deal, at least on a seasonal basis, with traffic patrol and, more particularly, water traffic patrol. As the minister is aware, the RCMP has been gradually phasing out of the water patrol and this has been turned over to the Ontario Provincial Police.

I have mentioned this before in previous estimates when they have been debated, recommending that there should be more money spent for equipment. I am aware that there have been additional boats and equipment purchased, it is available, and I would hope that you, Mr. Minister, could give me and the members of the Legislature and the people in the area that I represent some assurance that additional personnel will be made available.

As the minister is no doubt aware, the boat traffic has increased, not only the pleasure boat traffic but more and more there are people buying large cruisers and using them as their summer homes rather than cottages. The lake traffic is increasing, not only from transient tourists, American tourists coming through, but also the local people, the residents of Canada and the residents of Ontario are using the waterways, the Trent-Severn in particular, and Georgian Bay. I am wondering if you could give us some assurance that this extra money will be made

available for some additional staff to complement the existing staff in the area?

**Hon. Mr. MacBeth:** Mr. Chairman, I regret to say that we don't have any of our additional money planned to go into that marine surveillance. I do, however, hope to have a chat with the commissioner of the RCMP shortly on some of our overlapping responsibilities. I regret that the RCMP has vacated as much as it has the problem of looking after our waterways. I used to consider that that was one of theirs, but they seem to be happy to leave that one to us.

At the present time we do have 12 launches and 61 skiffs. During 1976 we logged 9,369 hours and had 219 trained personnel man these watercraft during the boating season. So we do have an extensive water service being carried on by the OPP. Regretfully, we cannot catch all of those who speed on the rivers and lakes. I think we have a reasonable coverage for safety reasons. If there are any of those kinds of emergencies, I think we are there in most places fairly quickly, but it leaves something to be desired. When we get a little more money I hope we will be able to put more into it, but in the meantime I hope to get the RCMP doing a little more in that field.

**Mr. G. E. Smith:** Mr. Minister, I am pleased that you are going to co-ordinate with the RCMP. Again, may I say that my criticism is not as to the work that the water patrol are doing; the officers who are manning the physical units are doing an excellent job, it is just that we don't have enough of them on the waters.

**Mr. Breithaupt:** Mr. Chairman, perhaps I could refer to one particular matter with respect to this item. I regret that the time is quite brief, because it seems really unfortunate that we should not have the opportunity to talk at length about the involvement that we have in the Ontario Provincial Police, which I believe, in the uniformed law enforcement area, is probably one of the finest forces in the world.

There is one point, though, that was raised by a constituent of mine, particularly with respect to enforcement, that I would like to share with the Solicitor General. The matter that he raised dealt with the general dealing with motor vehicles, particularly large trucks, that appear to be able to exceed the speed limits, perhaps as a result of their CB radios and also, of course, as a result of the difficulty of having all of the highways fully patrolled all at the same time.

This gentleman suggested to me one particular item which may be of interest to the



Solicitor General, and that is the use of unmanned television cameras on various overpasses, which might be a useful factor in controlling traffic flow. I realize this might be considered by some to be perhaps an invasion of their privacy, and it might be, of course, objectionable for that reason. However, I do bring this particular point to the attention of the Solicitor General because it would appear that this would be a form of deterrent.

These portable units, which perhaps could be affixed in some manner in a secure way to various highway overpasses, might have some effect in slowing down some of the exceptional traffic which causes difficulties. There have been problems with respect to some of the heavier transport trucks. This might be something which would be of use to bring down overall costs, that is in effect to have a form of patrol which would be of use and of assistance to the uniformed personnel.

**Hon. Mr. MacBeth:** I know that speeding trucks and speeders of all kinds continue to be a concern to the police. Recently we lowered the speed limits, some 10 miles-per-hour generally speaking, and I understand the public have come to adopt about five miles of the 10-mile reduction. In other words, instead of travelling 10 miles slower, the average speed now is only five miles slower; it requires more enforcement, there is no question on that. Yet this past year, or since the speeds have been lowered, we have issued some 50 per cent, or thereabouts, more speeding tickets than were issued in previous years. We have 50 per cent more tickets issued, or thereabouts, and the speeders have come down some five per cent.

Large trucks continue to be a problem to us, for various reasons. I know there are some very sophisticated equipment to take pictures of traffic movements and even show the licence plate. However, you know our problem. We have to stop the driver and identify the driver, we can't just do it on the plate alone; but maybe the existence of a few cameras of that nature might have a good effect, so I will take it up further with the commissioners.

Item 2 agreed to.

Items 3 and 4 agreed to.

On item 5, registration:

**Mr. Stong:** On this particular item dealing with private investigators and security guards, I understand that the private investigators and security guards were in to see the minister recently with respect to their

recommendations on the legislation that's involved in this. I am wondering if he agrees with them and their observations and what they would like to see incorporated into that area of the law? They had some good suggestions. I am wondering how many of those the minister is prepared to incorporate into the Act?

**Hon. Mr. MacBeth:** We have had rather a continuing discussion with them. They were in to see me some time ago and some individuals have been in as well. I understand just recently they spoke to Mr. Ritchie, who is our legal counsel in the ministry. I haven't had a report from Mr. Ritchie as to what they may have discussed with him at that time.

Generally speaking, I know that many of the suggestions they have made, both to me and to Mr. Ritchie on previous occasions, are already in our draft legislation which will come forward when we have an opportunity to introduce it; but I don't know how much of their recent suggestions are incorporated.

**Mr. Stong:** Having spoken with one of the spokesmen of that group, I was given to understand their most recent meeting with the ministry, which was last week, probably was not too fruitful and was not really what they had expected. I am not sure they didn't get a good hearing but they felt their suggestions were not being received. I suppose that's the report you are not familiar with, and I wonder if you would familiarize yourself with that? It seems to me, without going into the specifics in these estimates, that they do have some very good suggestions and they are very concerned about it. I would like to have some undertaking that they at least will be consulted on a regular basis before the legislation is amended or introduced.

**Hon. Mr. MacBeth:** Mr. Chairman, I am glad to give that undertaking.

Item 5 agreed to.

On item 6, Ontario Provincial Police auxiliary:

**Mr. Breithaupt:** I recognize we just have a few moments left, but I certainly feel that some comment should be made with respect to the operation of the OPP auxiliary. The estimates of this ministry are almost \$147 million, and I think we should recognize that in this particular sub-vote we are spending less than one out of every \$1,000 in your ministry in an area where I believe you are getting the best value for any money which your entire ministry spends.

I think the operation of these various auxiliary units, particularly I might say in my



own Kitchener-Waterloo area, has been an exceptional credit to this program. These volunteers have been of great use in assisting police forces, not only the OPP but also on occasion the municipal forces with respect to various public events. They are active, involved men and women, and I think that they should be given the credit they deserve and certainly the support of the members of this House.

**Hon. Mr. MacBeth:** I thank the member for those kind words. I endorse everything he has said. The auxiliary force is an excellent force. It does give good service and certainly it is a volunteer service, as we know.

The only complaint I have received is a complaint about the operations in the Kitchener operation.

Item 6 agreed to.

On item 7, community services:

**Mr. Stong:** Mr. Chairman, on this particular item there is one area that I am concerned with; and I find it to be one of the most important aspects of police work. I referred to public relations in my opening address and we also discussed it earlier. This branch is very important as far as I am concerned and I am wondering how many personnel are employed in this branch since it does involve itself with the public relations.

If I may make a suggestion, through you Mr. Chairman, to the minister, an excellent area where Ontario Provincial Police officers could be employed during the summer is in our provincial parks disseminating information and perhaps showing movies; perhaps

putting on demonstrations for holidayers, particularly the children, the young people. Children just love to see a police car, see the red light on and hear the siren. This is an excellent area in which to foster that type of public relations that is so sorely needed.

I am just wondering if this area is part of your program, and how many of personnel are employed in this undertaking.

**Hon. Mr. MacBeth:** Mr. Chairman, I understand there is no concentration in the parks as such, but the safety programs and attendance of the vehicles and personnel is spread across the whole province during the whole year. The suggestion that the member has made of some specific activities in the parks, particularly ones where young people tend to gather, I think is a good one.

You asked for complement; this provides a complement in 1977-78, of 16; which is only an increase of three, three over 13 is a pretty fair percentage.

When you rose in your place to say that you regarded this a pretty important part of the OPP work, I overheard the commissioner to say, "So do I."

Item 7 agreed to.

Vote 1605 agreed to.

**Mr. Chairman:** This concludes the estimates of the Solicitor General. It now being 6 o'clock, I will leave the chair to return at 8 o'clock.

**Hon. Mr. MacBeth:** Thank you all for your co-operation.

The House recessed at 6 p.m.

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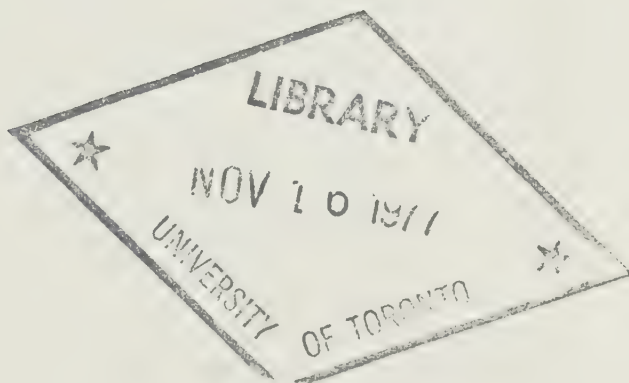




No. 43

# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Monday, November 7, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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# LEGISLATURE OF ONTARIO

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MONDAY, NOVEMBER 7, 1977

The House resumed at 8 p.m.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

House in committee of supply.

**Mr. Chairman:** Before calling the votes, I presume the Attorney General will have an opening statement, as well as the opposition critics.

**Mr. Stong:** Oh no, dispense.

**Mr. Roy:** No, let's hear it.

**Hon. Mr. McMurtry:** Mr. Chairman, being a very modest individual—

**Mr. Breithaupt:** You have a lot to be modest about.

**Hon. Mr. McMurtry:** —last year I refrained from an opening statement, thinking that the members of the justice committee in particular would be most anxious to get to the votes, and received some degree of criticism for not making an opening statement. So I trust that members opposite in particular—

**Mr. Lawlor:** We'd like to hear from you.

**Hon. Mr. McMurtry:** —will want to hear from the Attorney General this evening.

I am certainly very delighted to be back under the spotlight, as it were, this evening, to outline the work of the Ministry of the Attorney General over the past year.

Before we start on the detailed consideration of estimates, however, I should like to highlight a number of issues with which I have been particularly concerned over the past year.

As most of you appreciate, the Ministry of the Attorney General is in many ways a unique ministry within the Ontario government. Unique here and now in that all three parties in the Legislature share a commitment to the strengthening of the administration of justice. That commitment in the past has usually raised our work above the hurly-burly considerations of mere party politics. In this context, I want to thank the justice critics and the other members of the justice committee in the two opposition parties for their co-operation and many helpful suggestions over the past year. Though we do sit on opposite sides of the House, I feel we do share a common concern for justice.

Mr. Chairman, my ministry is also unique in that the people of Ontario justifiably demand access to justice as a right. The law must be available, and we of course have an obligation to provide services wherever required. The demands of the system are not of our making, but I do again, of course, have a constitutional and sworn responsibility to meet them.

While I am concerned to ensure the maximum efficiency for all our operations, neither the rate of criminal prosecutions nor the rate of civil actions is particularly responsive to my government's desire for restraint.

Lastly, we are unusual within the provincial government in a number of ways. Members will note the considerable revenue we earn in comparison with our expenditures. Secondly as a result of the nature of our services and the fact that they are provided in every part of Ontario, my ministry is one of the most labour intensive in the government. These facts should be borne in mind when we get down to the individual votes.

While the times and the economic climate demand constraint in government budgets and programs, I always considered that the administration of justice should be one of any government's highest priorities. When I look across Canada and learn that only three per cent of total public expenditures in this country is spent on all justice services, I can only marvel that we have managed to make so many improvements in services and to cope as well as we have with the vast expansion in case-loads.

While all of us recognize that there has been a veritable explosion on court case-loads, the sheer size of the increase may sometimes be overlooked. In our provincial courts, criminal division, the number of criminal code cases disposed of has tripled over the last nine years since my ministry took over the administration of these courts. Nor are the pressures confined to the provincial courts, criminal division; between 1973 and 1977 disposition rate of criminal cases in our country and district courts increased by 45 per cent; summary conviction appeals increased by over 60 per cent.

On the civil side, we find that the disposition rate of civil cases in the county and

district courts rose, between 1973 and 1977, by 48 per cent; appeals to the court of appeal are up by 40 per cent during that same period.

These increases are placing real strains on our courts which are becoming difficult to meet. We, therefore, cannot be at all complacent when we confront the case-load crisis. The problems are real and serious, and as I have recognized in the past they do have the potential to undermine the quality of justice in Ontario.

While the system is responding as it can and marked efficiencies have been achieved, the productivity of both judges and court personnel has been limited by the lack of an effective approach to case-load management. The crisis comes to us as a legacy of many factors of modern life: population growth, the prevalence of the automobile and the inevitable resulting accidents, the intricacy and interdependence of modern business operations, the growing stress on individual rights, the considerable expansion of the government's role in regulating activities, and the decline of traditional standards.

**Mr. Lawlor:** You know your deputy, when he wrote this, didn't repeat the whole text. He left off where it was getting interesting.

**Hon. Mr. McMurtry:** Legal aid has led to an increase in the number of criminal cases tried and in the length of the trial process. Increasing police activity and effectiveness, growth in crime rates, and litigation, have all contributed to the crisis. To meet this crisis effectively significant reforms will be needed.

Following on from the Ontario Law Reform Commission's project on the administration of Ontario courts, we produced last year a white paper on courts administration, which has focused attention on the issue's possible solutions. We have had a series of very productive meetings with senior members of the judiciary over the past year to discuss the allocation of responsibility for court administration. A number of members of the bench and bar have expressed concern that proposed reforms might result in an increased administrative role for senior judges that could so occupy their time that they would cease to be actively sitting judges. While I remain totally committed to a reorganization of court operations, this reorganization must respect at all times the historic independence of our judiciary, and as far as possible ensure that the reservoir of talent and experience of the bench is not drained by day-to-day administrative responsibilities.

As a result of these concerns, we have been working on a new proposal which would

ensure that while senior judges have the closest advisory role, they are not unduly burdened with administrative responsibilities. Over the summer I discussed the situation with the former Chief Justice of Ontario, Chief Justice Estey. His co-operation was very important. When we had achieved agreement in principle, we were moving to phase in part of the reforms with his assistance. However, a few weeks ago, as most of you know, the federal government appointed Chief Justice Estey to the Supreme Court of Canada, which I indicated last week—

**Mr. Conway:** Excellent.

**Mr. Lawlor:** It is called a meteoric rise.

**Hon. Mr. McMurtry:** —which I indicated last week showed a remarkable insensitivity, or lack of familiarity, with the problems of the administration of justice in Ontario, notwithstanding our recognition that he will indeed be very important, and as I termed it last week an adornment, to the Supreme Court of Canada.

Nevertheless, I welcome the appointment of Mr. Justice William Howland as the new Chief Justice of Ontario. Mr. Justice Howland is a very distinguished jurist and I look forward to working as closely and productively with the new chief justice, as I did with the former, towards a new model for an efficient court system.

Within the coming year, I will be bringing forward new proposals for organizational changes to carry out effective case-load management. A number of other initiatives have also been made to tackle the problem of delay. Six months ago, guidelines for disclosure in criminal cases came into force. This new disclosure system is intended to reduce the length of preliminary hearings while safeguarding the basic rights of the accused and the Crown.

We are reviewing the Summary Convictions Act to bring forward a comprehensive new provincial offences statute. We have asked the Williston committee to review the rules of practice in the supreme court, and this work will result in many changes directly affecting court effectiveness. I think we are making progress on a broad front to provide better and more efficient services, and I would be delighted to expand on these themes as we proceed through these estimates.

Of course the administration of justice must not merely be efficient, it must be understandable and accessible to citizens across Ontario. A major aim of the ministry is to make the court system more comprehensible to and more convenient for the general



public. This is reflected in much of the legislation I have—

**Mr. Reid:** Does that include native people?

**Hon. Mr. McMurtry:** Including, of course, the native people.

This is reflected in much of the legislation I've already brought and will be bringing to the Legislature, including the changes to the small claims court legislation and our proposed provincial offences Act.

For example, the basic thrust of our proposal on provincial offences is decriminalization. This flows from the recognition that the person who breaches an Ontario law need not be treated as if he or she were a dangerous criminal. Under these reforms, there would be less emphasis on formal court appearances, and less emphasis on technical and adversarial procedures and ceremonial trappings. The unnecessary and often hidden procedural baggage would be stripped from the system without diminishing the existing rights of accused persons to defend themselves and to have their views considered by those who judge them. The proposal should bolster the ability of citizens to effectively meet charges laid against them by making the assertion of a defence, of explanation, more convenient, speedier, less expensive and less intertwined with legal technicalities.

[8:15]

While much of our recent legislative reform is towards this end, we have applied the same aim of promoting understanding and easier access to the ministry's role in administering the courts. We have, for example, decentralized the provincial, criminal and family courts from downtown Toronto to the boroughs. The major purpose in this was to move the courts closer to the people to increase efficiency.

On the basis of the success of our development project, the North York traffic tribunal, we are expanding this concept. The tribunal enables people charged with driving offences to drop in for a hearing at their convenience and to enter pleas of guilty with an explanation. This approach is designed, right down to the layout of the hearing rooms, to be informal and less intimidating, to enable the motorist to better understand the consequences of the offence and to improve his driving habits through a classroom course.

The tribunal system has been widely hailed by the people involved and by other jurisdictions which have examined it. My ministry is now expanding it to the boroughs of Etobicoke, Scarborough and York and we hope to develop it further in other areas of the province in the future.

We are also committed to making justice more accessible in areas of the province where the needs of the population require special initiatives. A few weeks after I became Attorney General in 1975 I committed my ministry to developing a program for the use of the French language in Ontario courts. In the summer of 1976 we began a developmental project towards this end in the provincial court, criminal division in Sudbury. This level of the court system was chosen because it is the level with which the public has most contact. In fact, more than 98 per cent of all criminal and quasi-criminal matters before the courts are at this level.

Sudbury was chosen because it had the personnel in the court and in the legal community to test the program, as well as a sizable francophone population that could make use of the service.

We laid the foundations of this program carefully, because we wanted the program to work well from the beginning, we wanted it to endure.

Building on our experience in Sudbury, we expanded the program on June 6, 1977, to two more areas, the judicial district of Carleton and Ottawa and the united counties of Prescott, Russell and L'Orignal. Further expansion took place on October 3, 1977, in the judicial district of Cochrane, and five communities; Kapuskasing, Hearst, Smooth Rock Falls, Hornepayne and Cochrane.

The development of this program has enabled us, in the space of little more than a year, to provide French-language court services to about 66 per cent of those Ontario citizens who speak French only, citizens, of course, whose individual needs in this regard are the greatest.

While we are planning further expansion of this service in the provincial court, criminal division, we are also developing it in the provincial court, family division, and I expect to announce in a day or two the start of the service.

My ministry is also pursuing this issue on a number of other fronts. I have appointed a committee to examine issues relating to the provision of French-language services in the county and district courts as well as in the Supreme Court of Ontario. This committee, chaired by the Deputy Attorney General, has representatives from the ministry as well as members from the Ontario and Quebec legal professions.

Some months ago I asked the federal government to amend the Criminal Code of Canada to permit French-language jury trials in Ontario. The federal government indicated, in a Speech from the Throne a few



weeks ago, that it intended to do this and the federal justice minister indicated he would consult us on the form of the amendment. We are now awaiting that consultation.

In the meantime, as the Premier (Mr. Davis) indicated in a statement at the start of this session, the government intends to bring in amendments to the Judicature Act and the Juries Act to facilitate the further expansion of this service.

Finally, Mr. Chairman, I would like to mention a recent and important case that has clarified the constitutional position of the Attorney General. The historic office of the Attorney General is vitally important in ensuring that justice is fairly and impartially administered and that proper accountability is preserved.

At the end of July this year, the judicial committee of the House of Lords, the highest British appeal court, gave judgement in the case of *Gouriet* versus the Union of Post Office Workers. The case concerned a private citizen who sought an injunction against a postal union because of its intended ban on the handling of mail to South Africa. The significant part of the case is that the British Attorney General had refused to consent to the action. The court had to face the important constitutional question of whether or not the courts can compel the Attorney General to give reasons for exercising his discretionary powers, with a view to determining whether the court should override the Attorney General's decision in particular cases.

The House of Lords' decision was unanimous, sweeping and very significant. They said, in effect, that the private citizen cannot under any circumstances, invoke the aid of the civil courts to prevent a threatened breach of the criminal law, other than to protect his personal rights. If the criminal law is actually breached, every citizen retains the residual constitutional right to bring a private prosecution against the offender. But the Attorney General is the only person recognized by the public law as being entitled to represent the public interest in a court of justice; the civil courts may declare public rights only at his insistence. Public rights are constitutionally vested in the Crown, and the Attorney General enforces them as chief law officer of the Crown.

Those are very sweeping statements, but I think they're justified when one examines the role of the Attorney General in maintaining the delicate relationship between the executive, legislature and judiciary.

The Attorney General does have many powers, duties and responsibilities. Any prosecution on indictment may be stopped by

him by staying proceedings. He merely signs a piece of paper saying that he does not wish the prosecution to continue. He need not give any reasons. In the exercise of all his prerogative powers, he is not subject to direction by his ministerial colleagues in cabinet, nor to the control and supervision of the courts.

The disgruntled citizen who launched the action in the *Gouriet* case is reported to have commented as follows: "It now seems that law is no longer above the Attorney General. Recollecting the powerful words of Thomas Fuller 300 years ago, 'Be you ever so high, the law is above you'; the Attorney General has now, by this judgement, been confirmed as being unanswerable to the courts and has taken upon himself a certain divinity."

**Mr. Lawlor:** We can see it just above your head, like a little cloud.

**Mr. Conway:** Like the Attorney General.

**Mr. Reid:** And 300 years later those words don't apply.

**Hon. Mr. McMurtry:** But Lord Fraser, in his judgement, pointed out that the statement just referred to does, indeed, misconceive the Attorney General's role.

**Mr. Reid:** What does the present Attorney General think?

**Mr. Chairman:** Order.

**Hon. Mr. McMurtry:** I quote this with approval:

"If the Attorney General were to commit a serious error of judgement in the exercise of his inherent powers and duties, the remedy must lie in the political field by enforcing his responsibility to Parliament and not in the legal field through the courts. That is appropriate because his error would not be an error in law, but would be one of political judgement; using the expression, of course, not in a party sense"—

**Mr. Reid:** You have never been accused of errors in political judgement.

**Hon. Mr. McMurtry:**—"but in a sense of weighing the relative importance of different aspects of the public interest. Such matters are not appropriate for decisions in the courts."

I mention this to emphasize the importance of this legislative assembly in relation to the role of the Attorney General, because some of them might have to be reminded of the extent of their responsibilities from day to day.

**Mr. Conway:** Tell us you are a real democrat.

**Mr. Reid:** You haven't disavowed Fuller.

**Hon. Mr. McMurtry:** I am exclusively and



politically accountable before the bar of this House for the exercise of my discretionary powers. This chamber is where my actions can be questioned and debated in public.

**Mr. Conway:** So we heard last summer.

**Hon. Mr. McMurtry:** Professor Edwards of the University of Toronto added an important rider to this statement when he reminded us that, and I quote from his well-known work on the law officers of the Crown: "The exercise of his discretionary authority by the Attorney General must be challenged and probed vigorously, but members of Parliament, of every party, must understand that in adjudicating on what has happened they, too, are being scrutinized to see if they are having regard to the protection of the impartial administration of justice, or whether, as so often is feared, they are contributing to a degrading of the higher ideals in the favour of more transitory political advantage."

I think we shall see the very considerable effect of the judgement in the *Gouriet* case over the next few years. Certainly it has brought home to me, once again, the importance of the responsibilities vested in my office; responsibilities which go beyond the mere application of law and the preservation of order, responsibilities which must include guarantees of justice, fairness and due process.

As the chief law officer of the Crown, I am sworn to preserve a delicate balance between the zeal of the law and the demands of justice. My friend the member for Lakeshore is accustomed to enlighten and entertain us with sometimes apt quotations from the ancient masters.

Perhaps I can anticipate him this evening by closing on a quotation from Dr. Leon Radzinowicz, the famous Cambridge criminologist, which encapsulates my concern that a fair balance be struck between the rights of individuals and the rights of society. He said and I quote:

"For all its imperfections, the criminal law is designed not merely as a buttress for the privileges of the powerful, but as a shield for the elemental human liberties of the poor and weak against the assaults of the strong and the treacherous. In that context, the rigour of the law must be seen as an expression of social concern. There is a place for severity of sentence in response to deliberate and callous crime, but that does not mean that we must also accept, let alone collude in, the erosion of criminal justice or deliberate inhumanity in dealing with offenders. To do so is as unlikely as any other approach to bring about a lasting reduction.

It would simply heap other evils on top of the evils of crime."

**Mr. Roy:** I must admit that I enjoyed the statement by the Attorney General. My colleague the member for Lakeshore (Mr. Lawlor) will agree with me that we have listened and heard many of these statements in the past. They go on ad infinitum to tell us what is wrong and what they are doing. We have heard a repetition of these statements over the years without really seeing meaningful improvement in our judicial apparatus or in our case flow system within the administration of justice.

I thought it interesting that the Attorney General dealt with the problems that we have underlined, and repeated time and again so many, many times in this Legislature, about the deficiencies in our courts and the case flow, and how our courts are really being burdened, delayed and so on. I was pleased to see the Attorney General deal with some of that; but what was interesting is that he dealt with that and then with the French courts and spent the last part of his statement to tell us how powerful he is. I think it's fitting, therefore, that I should deal with some of the things that he said as "all powerful" and as the "chief law officer for the Crown" in this province.

May I say, Mr. Chairman, I think I should put on the record my congratulations on the appointment of the new Deputy Attorney General.

**Mr. Stong:** He taught me in law school.  
[8:30]

**Mr. Roy:** It is hoped, Mr. Chairman, that by the appointment of Mr. Leal, one who has devoted so much of his life to teaching and to law reform, we'll be in a position—

**Mr. Reid:** He is now teaching the Attorney General.

**Mr. Roy:** Not only teaching the Attorney General, but possibly having a close hand on all those reports he chaired and that we saw come across our desks over the years. These reports, which would probably fill the table in front of you, by and large have remained just that, recommendations and reports.

I hope there is some meaning to the fact that this honourable gentleman was appointed Deputy Attorney General, and that his appointment is a signal that something is going to change in our system of justice in this province. I do want to wish him well.

I must say to the Attorney General, as likeable a fellow as he is, that he's been Attorney General since 1975. In the early period during which he was Attorney Gen-



eral, he appeared to be hell-bent on becoming the highest profile member of that cabinet. Certainly he has managed to do that in a very short period of time, to a point where I think many of his colleagues within the cabinet were, if not jealous, certainly expressing some envy at how he was able to seize all those red headlines in the *Toronto Star*.

**Mr. Conway:** Now he's got "fruit juice" Frank as competition.

**Mr. Roy:** My colleague the member for Renfrew North makes a good point, the appointment of the new Minister of Correctional Services (Mr. Drea) is going to give you some competition. In fact I thoroughly enjoyed a press conference I saw on a news clip that was aired across the province, where the Attorney General was sitting at the same table with that hon. member and he wasn't saying very much. Frank had the floor, and I tell you he was talking about how the administration of justice was going to be changed. That's not within his field, but he has used your trick, in fact. The biggest headlines you have been able to obtain were by getting noticed in the Provincial Secretary for Justice and the Solicitor General fields; now Frank is doing the same thing to you when he talks about how he is going to make these people work light sentences and all that. It is going to be very interesting to watch these characters work together in the next while.

**Mr. Conway:** I wonder, is he going to be elected to the supreme court?

**Mr. Roy:** I don't know if that is a piece of advice that the Attorney General wants to accept, but I do want to say this to my colleague, the Attorney General, in the last while there have been fewer of those headlines in the press and there has been more dedication to the real problems in the courts.

I should review a few of them, because some have been pretty good. Apart from dealing with violence in the courts, which even got you an interview on *Hockey Night in Canada*—my God, you had Joe Clark shaking in his boots following that particular interview; but there have been lots of those, and I might point out that as far as violence in hockey is concerned your record shows the courts don't seem to agree with you. I don't know if there have been any convictions—

**Mr. Reid:** The courts have never agreed with him; take the AIB, hospitals—

**Mr. Chairman:** Order. The member for Rainy River will be able to speak when we go to the individual votes.

**Mr. Roy:** I don't really want to be that harsh—but I should touch on it, in view of the fact that we have had some time spent on the power of the Attorney General, that's what concerns me about this. As the chief law officer for the Crown you certainly are a powerful individual within this province and have all sorts of discretion, which as you pointed out cannot be challenged; so it is somewhat disconcerting to us to see these comments made here and there. Some of these I should just review.

Just recently, on June 24, the Attorney General reported that he was going to have a crackdown on pornography and that there were going to be tough measures undertaken.

I want to ask, Mr. Chairman, what steps have we seen emanating from the ministry to follow up on that particular statement? On the question of pornography—and that in fact goes on to the question of Yonge Street, I suppose I should mix those two things, because what was concerning us about some of the statements made on that was the statement made by the Attorney General on August 12, 1977. He said he was going to bring in something that he called a padlock law. I think the statement was something to this effect, that they were going to make the owners of the premises responsible for all the activities that went on in those premises.

Then he went on to say that he was going to amend the Municipal Act which would give police authority to padlock the premises where repeated violations occurred. Again, looking at the all-powerful office of the Attorney General, one has to be concerned that we're using that type of bulldozing tactic. In fact when a problem exists, whether it's Yonge Street or pornography or whatever else, there are Criminal Code provisions.

As far as Yonge Street was concerned, had there been proper enforcement of the law, proper investigation by police authorities and so on, this situation would not have progressed to a point where everybody called it a cesspool.

I've got to say, Mr. Chairman, when it comes to something of this nature, when I hear all these municipal politicians and then the Attorney General and then the Premier and everybody get together and say: "a mess Yonge Street is, we've got to clean this up"; I just say to them: "What have you fellows been doing? If you were that concerned why didn't you ask your law enforcement authorities to take the appropriate steps?"

The thing that concerns me, is that all at once there appears to be public pressure. There was a young lad, unfortunately, who



was involved in a very sordid type of murder, and of course then politicians were tripping over themselves to make comments about how we were going to do this and how we were going to do that.

I say, Mr. Chairman, that there were laws in place. Had we enforced the laws that existed, we did not have to proceed with such harsh measures. It reminded me of the Duplessis era when he suggested that we have padlock laws. That type of comment is something that is of concern to me as the critic for the justice area in this party.

The Attorney General also expressed some concern about male prostitution at the same time, that was back in August. He said: "I think the Criminal Code is adequate, but the amendments to it deleted parts relating to vagrancy." He wants to bring back the vagrancy sections of the Criminal Code of a few years ago.

"Some of the police forces feel that it has hindered them in fighting prostitutes. I'm considering discussing this with the government."

Under the Criminal Code there now exists section 195, which states: "Every person who solicits any person in a public place for purposes of prostitution is guilty of an offence punishable on summary conviction." How much clearer a law do we want than that particular law, rather than have the old vagrancy section which said: "Someone found in a public place who cannot give a good account of herself"—it used to just read "herself" at the time?

Basically it was a good law for the police when they saw some characters hanging around to say: "Give us an explanation of what you are doing in this place?" To me, that was not a step forward.

I must tell you, Mr. Chairman, and my colleagues here, I find it interesting that the Attorney General would be concerned and make comments about male prostitution. I can recall, back in 1970, I happened to be defending a prostitute charged under the vagrancy section. The vagrancy section at that time read, "cannot give a good account of herself."

I made a motion in provincial court which was subsequently appealed to high court saying that this law was discriminatory, was against the provisions of the Bill of Rights in that it discriminated against women. In other words, only women prostitutes, female prostitutes could be picked up under this law and not male prostitutes. At that very time, this was back in 1970, the officers of the Attorney General's department were arguing that there wasn't such a thing as a male prosti-

tute, that you couldn't take judicial notice of the fact that there were any male prostitutes.

**Mr. Reid:** I could make a comment there but I don't think I'd better.

**Mrs. Campbell:** So could the Attorney General.

**Mr. Roy:** I find it interesting now that the Attorney General should comment that he is concerned about male prostitution.

**Mr. Reid:** He recognizes it.

**Mr. Roy:** I say that one must be careful, if he is occupying the office of the chief law officer of the Crown, about making such statements. The chief law officer of the Crown should not get caught up in the hubbub of political pressure or whatever and start making what I consider to be rash statements. He should look at the laws that exist, and if there is a problem with the enforcement then take appropriate steps, but certainly not make comments about bringing forward such harsh measures.

**Mr. Conway:** Better the hubbub than the rub-rub.

**Mr. Roy:** I can recall the Attorney General making comment of late—this wasn't so late—

**Mr. Reid:** He makes a lot of comments, he doesn't do very much.

**Mr. Roy:** —when he spoke not too long ago, in the spring, he said to high school students in eastern Ontario something to the effect—

**Mr. Conway:** Oh tell us about that one.

**Mr. Roy:** —that he favoured the legalization of marijuana. You recall what happened. As I recall, at that time the Attorney General said he favoured this. Then he went on to say that these drugs should be sold, I think he said over the counter just like in the liquor stores. I can just see the Tory members, the caucus members and the cabinet ministers, sitting on that side and saying, "What's McMurtry done now? He's going to get us in deep trouble." They were working on the basis of an election in the spring and the Attorney General goes out and makes these statements.

It was only the following day when, out of caucus and out of cabinet, the Attorney General sort of backtracked from the statement and said that he really hadn't said that and that he didn't really mean it about selling marijuana or whatever.

I mention some of these comments because this Attorney General has learned that one must be careful if he is the chief law officer of the Crown not to go on a vendetta and not to get caught up in the emotion of

a particular situation. As the chief law officer one must reflect on the long term, and when occupying such a position one must be extremely careful.

Looking at the Attorney General's statement here, he started off by saying we share a common concern, and we do. I think the people in the opposition are concerned about the efficiency of the courts and things of this nature. That is something that we certainly share with the Attorney General. The difference is that over a succession of Attorneys General we have talked about this and we've pleaded with them that they are in a position to do something about it and we are not.

If there is procrastination, if effective measures are not brought forward, if you are not getting support from your cabinet colleagues about spending more money for the administration of justice, it is certainly not our fault. In the past I have said repeatedly that the administration of justice is something that is too important to be unnecessarily impeded or curbed by budgets.

We share a common concern, but you are in a position to do something about it and we are not. We will continue to bring that point forward. You should be in the position, with the help and support of your colleagues, to bring forward meaningful measures, and we'll support you.

**Hon. Mr. McMurtry:** Have you agreed with your neighbour behind you as to who should administer the legal aid program?

**Mr. Roy:** We are always in agreement on this. We have never impeded progress whatsoever.

**Mr. Stong:** That's private enterprise.

**Mr. Roy:** In his statement the Attorney General went on to say there were improvements and there were marked efficiencies within the administration of justice. If there are, they're not all that apparent. There's a perception out there by the public—

**Mr. Conway:** I hear you appointed a new barber in Ottawa.

**Mr. Roy:** I should mention, Mr. Chairman, that those are statements which provoke me, even though they are coming from the same side of the House I am on; I mean when he keeps talking about the new barber.

[8:45]

It's going to be difficult, Mr. Chairman, for the administration of justice or the Attorney General to retain credibility about improvements within the court systems when the government starts appointing Claude Bennett's campaign manager as sheriff in Ottawa-Carleton and you appoint his barber as a

small claims court clerk. You know the cynicism on the part of the public, and I know you don't like me saying this, as these are picayune little things—

**Hon. Mr. McMurtry:** I'll tell you what I was concerned about; I was provoked that—

**Mr. Deputy Chairman:** May I ask the Attorney General please not to interrupt.

**Mr. Stong:** Let's have a little law and order over there.

**Mr. Roy:** I say to my good friend and dear colleague, the Attorney General, Claude Bennett is a wheeler-dealer in Ottawa, but don't let him make your appointments within the court process, because we've got enough problems in Ottawa with the administration of justice without him meddling.

**Mr. Eaton:** That's for sure, with the federal government.

**Mr. Roy:** I say to my colleague the Attorney General if the only improvement you can make is to appoint his barber a court clerk, if you don't have more imagination than that, you've got problems.

**Mr. Conway:** Are there vacancies on the police commission?

**Mr. Roy:** The Attorney General talked about some of the improvements within the system, and certainly one of the processes instituted in Ottawa, disclosure, was a good one. We call it the pro forma proceeding whereby Crown counsel, defence counsel, the accused and the investigating officer sit together and disclose the evidence and you can eliminate witnesses.

But that is not going to work by itself; in fact some defence lawyers right now are abusing this pro forma. If you speak to some of your provincial judges and your Crown attorneys in Ottawa, you are going to find out some lawyers are using this as a further delay tactic. Delays and postponements and adjournments sometimes are the main weapon of the defence counsel.

**Mr. Stong:** Sometimes the only one.

**Mr. Roy:** As my colleague says, sometimes the only one.

So I say to the Attorney General, that system will not work unless you get together with your colleagues at the federal level and say look, I think the preliminary inquiry should be looked at, we should look at the preliminary inquiry mixed in with this pro forma so that we don't just add another procedure to the whole process. If the accused comes in and gets two or three adjournments and then goes pro forma—some don't abuse pro forma to a point, but they don't admit anything, they get the adjournments,



the pro forma, the preliminary inquiry and then the trial; in Ottawa, the way things are going, he can put this thing back two years before he even reaches his trial.

**Mr. Eaton:** Would any lawyer do that?

**Mr. Roy:** I am asked, Mr. Chairman, would any lawyer do that? I want to say something to my colleague across the way, I want to talk about the question of lawyers and what happens when you get too many lawyers within the system, which is fast happening now.

**Mr. Eaton:** That would cut down your income, eh Albert?

**Interjections.**

**Mr. Deputy Chairman:** Order.

**Mr. Roy:** Mr. Chairman, I wouldn't want to get carried away on that appointment; in fact it's not within his ministry, the police commission. On the appointment of my good colleague, the former member for Armourdale, Mr. Givens, I'm sure you had nothing to do with that; we won't go into that.

**Hon. Mr. McMurtry:** Was it a good appointment?

**Mr. Roy:** Was it a good appointment?

**Hon. Mr. McMurtry:** Yes, was it a good appointment?

**Mr. Roy:** Once this is all finished you and I will go outside and discuss it, okay?

**Mr. Conway:** Tell us about the ones you didn't make.

**Mr. Roy:** Mr. Chairman, the Attorney General talked about some of the improvements in the French language capacity of our courts in this province. I want to say to the Attorney General, sure, since you've been Attorney General there have been more improvements within that field than there had been under your four or five predecessors and that is something for which you should take credit; but I'm just wondering to whom I should give the credit, this government or Rene Levesque for winning the election back on November 15 in Quebec.

**Mr. Conway:** The latter, the latter.

**Hon. Mr. McMurtry:** It started the year before.

**Mr. Roy:** Yes, you started, but I tell you, you weren't moving very fast when I was talking about the Judicature Act and the impediment in having French language trials, with delays and that sort of thing; and after November 15 those of us that believe in the unity of this country, and I look at my colleague, Mr. Brunelle from the north—you don't mind if I don't use the riding names, Mr. Chairman, I could never get that down.

**Mr. Conway:** It is Moonbeam.

**Mr. Roy:** Yes, the member for Moonbeam. You know, of course, I visited his fair riding just before the election; we had this tremendous candidate—

**Mr. Eaton:** It didn't help you a bit, did it?

**Mr. Roy:** You only got about 65 per cent of the vote; I think we brought that down.

**Mr. Deputy Chairman:** Order, order!

**Hon. Mr. Grossman:** Come into my riding next time!

**Mr. Roy:** I think we brought it down.

**Mr. Deputy Chairman:** Order, please.

**Mr. Roy:** We were going to give them a fight in that riding.

**Mr. Eaton:** He is going to get his rebate, is he?

**Mr. Roy:** There was only one problem; he promised me he would retire, but he double-crossed us.

I want to say that, sure some of the enthusiasm on the part of this government is due to the pressure that is going on now in Quebec, because it is an embarrassment. It really is an embarrassment in this province, when some of us are fighting for the rights of the anglophone minority in that province, and we see certain bills like Bill 101 which in fact restricts, or in fact encroaches or takes away certain rights which have been accepted since Confederation for the English-speaking minority in that province.

How can I, as a minority in this province, go and tell the majority of Quebecers: "Say look, what are you doing to your minorities?" And they would say: "Well that is funny, the mayor of Hull, just across the river from Ottawa, came into Ottawa and tried to have a trial in French and was thrown in jail because he insisted on having a trial in French." That was embarrassing, that was truly embarrassing.

**Mr. Samis:** Shameful!

**Mr. Warner:** Shameful government policy, shameful!

**Mr. Roy:** The fact is that that is the type of pressure, unfortunately, that is needed to get things going.

So we have a few things here that we have to correct. If this province, this government, and the Premier of this province, intend to go into the province of Quebec and argue against that, argue on the referendum and tell the people how French Canadians are welcome in his province, and then be faced with the embarrassing fact that in the area of education, health, justice and so on there are impediments; that in fact the anglophone

minority in the province of Quebec has rights which are legislated, and has rights which we francophones in this province never even dreamt of having. That is why I am saying to the Attorney General, "Until you change some of your laws . . ."—and I am pleased to see, for instance this fall, apparently, you are going to bring forward amendments to the Judicature Act, because you could not be taken seriously about providing French-language services in the courts when you said to the French: "Yes, you can have your trial in French but don't you dare appeal; if you appeal you cannot go any further. You can only have it at this lower level; and don't you try to have a civil case in French because we won't hear you, there is no jurisdiction." So I say to you, these are some of the things, the amendment to the Judicature Act and the Jury Act.

I was pleased to see that in the Throne Speech the federal government finally is going to make some amendments to the selection of juries and other relevant amendments that are going to be in fact proposed. It is interesting that in 1968, when John Turner was Minister of Justice—and went around to get acceptance of the Official Languages Act, that unfortunately he did not receive unanimous consent from the provinces; this province did not show the enthusiasm it should have. Possibly if we had who knows, we might not be facing the problem we are right now with the unity of this country. So I thought I would mention this—

**Mr. Warner:** Ten years of oppression.

**Mr. Roy:** —and say to the Attorney General, "Yes, you will get our full support, but let's get on with it, really."

I understand that there are problems. My God, there are problems. I discussed with your deputy what it required even just to translate the laws, that was going to be a problem. But given the will, there is a way. This just started over a short period of time, having trials in French in Ottawa.

Maybe I should recount this; it was an interesting experience, my first trial in French in the courts in Ottawa.

The accused was charged with leaving the scene of an accident. Of course under the Criminal Code he has to leave the scene of the accident with intent to escape civil and criminal liability. My defence was that he didn't intend to escape civil or criminal liability. The fellow with whom he got in the accident wanted to beat him up. He was afraid and that's why he left the scene of the accident.

**Mr. Lawlor:** Section 17.

**Mr. Roy:** Yes, that's right. I don't know if it's section 17, I'm not that learned. In fact since they've changed all the numbering on those sections I've forgotten them.

In any event, it was a terrific defence. My main witness was a taxi driver who happened to be there to witness this. I got it all organized. I had this taxi driver as a witness. On the day of the court if he doesn't come in just bombed out of his mind. I knew right then I was finished; there was my key witness, my main witness, who could hardly talk.

The only word you could say in French in this situation, Mr. Chairman, is "caulice". I knew I was going to have a problem, so what I did—"we had a few minutes—" I hauled him upstairs to the police station, poured some coffee into him and I said to him: "Just answer the questions for God's sake." I knew I was going to have to limit the number of questions and all of this.

Finally, the case was called half an hour later, after four or five cups of coffee. I called him up on the stand. Things were going pretty well. He was pretty well behaved and so on. I could see the judge was sort of looking at him sideways and wondering if this guy was okay or if there was a problem with him.

It was all okay; the examination-in-chief, the cross-examination. Things were going just right, until the examination was just over and the judge said, "You may leave now." As he was walking from the dock as a witness he said something to the effect—using the proper expressions of course, with a few "caulices" thrown in—"If I had been the accused I would have smashed his face in." Having said that he fell off the witness stand.

Then there was the matter of asking for a quick adjournment, apologizing and things of this nature and sending this fellow on his way. I thought it was typical of some of these experiences we have sometimes in Vanier and lower town with our good Franco-Ontarians.

Anyway, it worked out quite well.

**Mr. Lawlor:** What happened, what was the verdict?

**Mr. Roy:** The judge, being one of your better and good appointments in Ottawa—we have some good appointments in Ottawa—did not let the conduct of the witness and his composure and his expression hamper the case and exercised reasonable doubt in favour of Simphorien; the name of my client was Simphorien.

It was very interesting. If some of you watch Channel 10 there's a fellow on that channel by the name of Simphorien with a little moustache who is always getting into



trouble. This guy looked just like him. I think that saved me with the judge. He looked at the same program and said, "This man could not possibly have intent to escape civil and criminal liability."

Mr. Chairman, if I may just mention this to the Attorney General, we appreciate, on this side, the problems he is facing in getting some efficiency, in getting the case flow and dealing with this huge burden of cases at all levels in our courts. We appreciate, as well, the fact of the sanctity and independence of the judiciary from the executive and legislative arm of government; but that doesn't take away from the fact that leadership must come from the government on this; it has got to come. I'm sure that given leadership, and given proper resources by the government, that the chief justice, or the chief judges, and now the associate chief judges—we have associates now—all of these people can be perceived as the ones taking leadership in that field.

We must deal with it. I'm looking at some of the things that judges have said. In the county court system we have judges who say the system is breaking down; county courts appeal for more court rooms in Toronto here. Then they go on to say that the growth of the court loads fulfils predictions.

[9:00]

This is not something new; this is something that we have perceived coming forward for the past five or 10 years. We even had views from the Chief Justice of the province, Mr. Justice Estey, who said at one point that the courts are strained by unnecessary legislation, both from the federal government and from the provincial government. How right he is. From 1971 until now, how many pieces of legislation have we passed, just in this place alone, where we always refer things to the courts? As the judge said, "The federal government and the provinces are straining the courts by passing a lot of unnecessary legislation. Willard Estey, sworn in as Chief Justice of Ontario, used the ceremony at Queen's Park to raise the issue."

Mr. Stong: The new Chief Justice of Canada.

Mr. Roy: This was just back in February. He was just sworn in during February 1977.

Mr. Warner: It is your fault. You are to blame.

Mr. Roy: He went on to say that legislatures have been hyperactive. How true that is. Governments at both levels, trying to fulfil promises or to stay in power or whatever, are cranking out all kinds of legislation

whether they need it or not. That's something that has got to be looked at. We have got to accept some of that responsibility right here.

Mr. Eaton: You would have us do 10 times as much legislation if you had your way.

Mr. Roy: He went on to criticize the proposal by federal Justice Minister Basford to introduce a code of evidence for Canada, a move that had been recommended by the Canadian Law Reform Commission.

I have got to say that we perceived some time ago in this province, and even at the federal level, that there would be problems in our courts and that we had to bring our laws into the 20th century. That's why law reform commissions were established both at the provincial level and at the federal level. How many volumes have these people cranked out at both levels, but at this level especially? And of all these recommendations, how many have been brought forward?

I am glad to see, for instance, in the area of family law—certainly that was needed, and the minister got the support of the members of this House.

Mr. Lawlor: They're all needed. Name one that wasn't needed.

Mr. Roy: No, but this is not creating extra work for the courts. In fact, we hope we are taking away work from the courts with that type of legislation. In some of the legislation we are creating work for the lawyers, though; and I don't know whether we should be doing that—

Mr. Eaton: You just finished saying there were too many.

An hon. member: Don't knock it, Albert.

Mr. Roy: Some of my friends say, "Don't knock it," and I suppose—

Mr. Conway: They're too rich as it is.

Mr. Roy: Too rich? My God.

The then Chief Judge of the High Court said something interesting when he was sworn in as well. He said something to this effect: "They will run the damned machinery"—and he's talking about the courts—"to a halt if things don't change." That's what the Chief Judge said. We have had the comments of the Chief Justice and the Chief Judge of the High Court.

"He exclaims impatiently: 'For the past few years judges from every level of court in Ontario have been clamouring about their mounting case-loads, and now Gregory Evans is adding his voice to the outcry.'

"Standing in the legislative chamber at Queen's Park during the swearing in, the Chief Justice made only a mild passing refer-

ence to the issue, saying: "Perhaps our Legislature should consider whether they are placing matters before the courts for resolution that could be better settled elsewhere."

He doesn't mince words, however. He talks with a reporter at Osgoode Hall: "Politicians don't move unless they are pushed—" My God you know, how true it is. "Politicians don't move unless they are pushed, he says, enumerating a list of items that politicians at Queen's Park and Ottawa should be pushed on." That's what we are doing here. I suspect the minister is looking forward to pressure and that he is saying as much to his cabinet colleagues when he says in his statement: "Only three per cent"—I think he said—of the budget is spent on the administration—

**Hon. Mr. McMurtry:** Across Canada.

**Mr. Roy:**—"across Canada." In this province the hon. member, since he has been Attorney General, has been losing ground. I believe he used to have five per cent of the provincial budget for the administration of justice; now I think he has only got four per cent. Here's what the Attorney General said on November 11, 1975: "McMurtry"—I don't want to get carried away and use that expression "McHeadline"—"McMurtry says the administration of justice has been given a bloody low priority by all levels of government over the past few years." I just see you shaking your finger saying that.

**Hon. Mr. McMurtry:** I was speaking of both sides of the House.

**Mr. Roy:** "Promising to fight for new attitudes and more money, he said, 'It's a message I've got to get through to my own colleagues.'" He went on to say—and here's a good line: "They are really out of touch."

Back on November 11, 1975, that's what he said. I recall the Henderson report—you recall that kind and good man—the Henderson report said that in 1975 five per cent of the provincial budget was in the Justice field; and now we have gone down to about four per cent, you are losing ground. You are not getting through to these fellows, as you would call them, they are really out of touch.

I am pleased to see there are four or five of them here this evening so that possibly they can relay the message to their caucus or to the cabinet.

**Mr. Eaton:** We have got twice as many here as you have.

**Mr. Roy:** I'd love to have the Treasurer (Mr. McKeough) sit in on some of these things. I expect that the Treasurer of this province says, "Look, don't bother me about

court houses and money for judges; the public will ignore that. Let me build a new wing on a hospital, a bridge or a road or something." That's what he probably says to him. I know you can sit there and say you are doing your best, I am sure you are. Unfortunately, you are part of an administration that's been around for 35 years and you are following a succession of Attorneys General who really didn't try. They didn't particularly care as long as the OPP was paid and they got enough money to name judges and made statements occasionally. In fact they weren't in office long enough to make more than a couple of statements on their way to something else.

**Mr. Conway:** Fred Cass made a few.

**Mr. Roy:** Yes, he made a few. I say to the Attorney General you have got to get through to them. We will continue harping and will continue to complain about this because you're not getting across. Possibly you could answer this: Did you not, last year, overspend something like \$800,000? Didn't you have to get a Management Board order for something like \$800,000? Am I right on that?

**Hon. Mr. McMurtry:** There was the dinner for the lawyers in the Legislature, but I didn't think it was that expensive.

**Mr. Roy:** I hope not, because I heard somewhere along the way that the administration of justice, the Ministry of the Attorney General, had run out of money. I'd like to know, in all seriousness, from the Attorney General, did we in fact run out of money from the estimates of last year? Did you require \$800,000 which was spent and which we didn't have a chance to discuss here? These Management Board orders are something that your government is using with a regularity that is somewhat disconcerting. You are spending all this money without us having a chance to look at it. Where did the money come from? Is it part of what they call net cash requirement of the province or the deficit, if you want to use layman's language. Where did the money come from? How was it spent? In fact, are you going to run out of money?

I notice in your present estimates that they're going to be reduced by \$2.722 million, due to a transfer of observation and detention homes to the Ministry of Community and Social Services effective April 1, 1977. There you go. I say to my colleague the member for St. George (Mrs. Campbell), "We found ourselves \$2 million." How much were you short in your estimates? About \$100 million?



The Attorney General's ministry is suffering from the whole administration of this government. In the good years — and I recall the good years — but what couldn't you do with \$500 million now, eh? What couldn't you do with that kind of money? Where were you when Darcy, before the 1975 election, said: "We'll reduce the sales tax from seven to five per cent. We'll give out these rebates on the sale of cars and stuff like this"?

**Mr. Conway:** He was getting clobbered in St. George.

**Mr. Roy:** No, it was 1973 that that happened. I say, in the good years, when I see all the money that was wasted, all that money that was used to buy land all over the place. Remember John White? Every second day he'd say, "Poof; a new city." Claude Bennett would come in here and say, "I've just been appointed to take charge of an industrial park some place."

You know, I'm surprised; I'm surprised the member for Ottawa South (Mr. Bennett) didn't leap on that the other day when he said—I can remember at the time they were buying land down there and somebody had asked—"Hey, is that going to be an industrial park?" And he said something to the effect they've got to have rocks in their heads if they think they're going to have an industrial park there. That's quoting the member for Ottawa South. It was about a month later, Mr. Chairman, that he was appointed chairman of that whole industrial park. As it turned out he was right, they had rocks in their heads because now they're going to use it—what, to grow trees? Is that what; grow trees?

As much as I sympathize with you and your predicament in getting money, I say that you people have been in power a long time. You've wasted a lot of money, and if you had that money now, what couldn't you do in the administration of justice.

**Mr. Conway:** They could buy the Holiday Inn.

**Mr. Roy:** That's right, buy the Holiday Inn. I could go on and talk about the problems in the supreme court and county court and provincial court. We'll get a chance to do this, hopefully, as the estimates proceed along.

**Hon. Mr. McMurtry:** Have you fellows talked about legal aid recently?

**Mr. Roy:** Let's talk about legal aid; my colleague is here. What have you done about the recommendations of the Osler report?

**Hon. Mr. McMurtry:** You two guys can't agree.

**Mr. Roy:** No; we agree, we agree.

**Mr. Stong:** Mr. Justice Osler was right.

**Mr. Deputy Chairman:** Order, please. May I ask the Attorney General and the member for York Centre to please not interrupt the member for Ottawa Centre.

**Mr. Roy:** I say to the Attorney General, we're going to have to look at this system of legal aid. I want to say to the member for York Centre—

**Hon. Mr. McMurtry:** York Centre? His name is Alf Stong.

**Mr. Roy:** I want to say to my colleagues there are some changes that we're proposing. We're not talking about the fact that you're going to take it away from the law society. Don't we agree on that?

**Mr. Eaton:** What is your position on it? Let's hear your position, Albert. Let's hear your position, then we'll see whether it is the same or not. I don't think you know what his position is, Albert.

**Mr. Roy:** The point that is of concern to you, is that you're afraid to bring forward these increases. They're going to have to be brought forward; we won't in fact be able to tolerate the situation much longer.

For instance, the problem with legal aid is complicated by the fact that there are too many lawyers coming within the system and we're going to see abuses there; that combined with legal aid. In fact legal aid is the area where if you start having too many lawyers it's like having too many doctors. You start abusing the system at public expense.

So, I'm pleased to see some changes; for instance the fact that you have regular duty counsels, I think, in the remand courts in Toronto. I think that we're going to have to look at something to that effect, but I want to say to the Attorney General, we're going to have to look as well at the number of lawyers in this province.

[9:15]

Within a private enterprise system, if it was all legal aid, then we'd have to look at the system, just like your colleague behind you in Health has to look at the number of doctors in the province knowing that every time there's one more doctor in the province it's going to cost the system something like \$250,000. You can't do that now with legal aid, because legal aid is a small percentage of the practice. But certainly if there are too many lawyers then there's a tendency to stretch out the cases on legal aid.

In fact I was reading something in the Toronto Star in August which said: "Des-

perate Lawyers Are Stealing Clients to Get Aid Fees"; or something like that. I could see it starting to happen in some areas. I'd like to have the Attorney General's comments.

Do we just keep cranking out lawyers to go into the system, as we have in the past, and just leave the law schools to regulate the numbers? They only regulate the numbers by the number of seats available, and of course they want to fill every seat there because they are getting more money from this government.

It's a vicious circle this thing. We're getting into a situation over the number of lawyers in this province; just speak to the judges at all levels, in the civil process for instance. I appreciate that we're mending the rules, and hopefully we will be mending the rules with Williston, but there are more motions going on. In some cases it would appear that the lawyers are avoiding fighting the issue in court, instead they're fighting the procedure along the whole process. When we speak to senior judges in certain urban areas of the province we find weekly court days are filled up with cases. We find there are more motions brought on more things, and of course we're not serving the public if we're avoiding the issue of the case.

If lawyers in fact are making their money by abusing the rules of practice, I think we're going to have to look at that. I think these are some of the things we in the administration of justice are going to have to learn. I think that contributes in some measure to the backlog of court cases, to the frequency of litigants within the court process.

If you take a particular case and you bring five or six motions along the way, some of these motions are complex enough to take as much time as a trial or the time it will take to litigate the issues of the case.

I really wonder do we have a system here in this province where we just crank out all these lawyers and say the market will be the system whereby we're going to control the numbers, when in fact the only way you can control the numbers is through the universities. And universities, of course, want the greatest number possible because they're getting more money depending on how many students they have, especially post-graduate students. These are some of the things we're going to have to look at.

**Mr. Conway:** The member for York East (Mr. Elgie) agrees.

**Mr. Warner:** Just plead them all guilty and get your court time paid.

**Mr. Deputy Chairman:** Order, please.

**Mr. Roy:** I really think it is the other way

around. If there is going to be an abuse, if you are short of clients, you will go the other way. You are not going to plead guilty, you're going to stretch out the process. But possibly the member and I can discuss later how in fact the abuse takes place.

**Mr. Eaton:** You seem to know how it's done.

**Mr. Roy:** You see as a critic I don't live in a vacuum and in a cocoon like other people do, I watch the process. I want to contribute to the process. If you want some enlightenment, I don't want to take the time of this House but you and I maybe can talk afterwards as well.

**Mr. Chairman,** I want to say something, finally, about the court situation in Ottawa, and I've talked about it in the House before. I suppose the situation in Ottawa reflects in some measure the general situation; and it's a question of degree, but it is possibly worse in Ottawa than it is in any place else. We've been promised new court facilities for the last 10 years and we're not going to get them.

We have a system complicated by the fact that we appear to have less judges now, in 1977, than we had in 1970; yet the number of cases has increased possibly 200 per cent.

Then there's the other situation in Ottawa, that is a problem of two judges.

I want to talk about the situation in Ottawa just briefly and to tell the Attorney General it is not a good situation at all. First of all, we have the problem of facilities. You have had discussions with some of the barristers down there about facilities which are not adequate. There is some talk you are going to take those courts and put them out in the west end some place. Of course the bar association is against that, and there is some measure of merit to what they are saying. Why should we decentralize this? Why shouldn't we try to keep the whole court process within the core of the city where it is easier to reach by public transportation? It is easier for the whole process to be more effective when it is all working within a particular area. That is what we have here in Toronto and in most major urban centres.

Basically, you have that in downtown Toronto; and I don't know too many major urban centres where you have decentralization as we have it in Ottawa, with the provincial courts in the west end and the family courts in Bronson and the supreme court on Bailey, and some other courts in a Holiday Inn on Dalhousie. I want to say to the Attorney General that what they are concerned about, of course, is if they accept that they



are going to be caught permanently and they will never get their court house.

So I make this suggestion to you, and somebody suggested it to me the other day; The federal government is building what is called the Rideau Centre in downtown Ottawa. There are going to be stores in it and it is right downtown, near Sussex and Rideau.

**Mr. Conway:** In Ottawa East.

**Mr. Roy:** Well sure it is in Ottawa East. The only buildings I can get in Ottawa East are federal buildings, I have not been too successful on the provincial side.

So I want to say to the Attorney General, there is a federal building going up there. Why couldn't the province rent facilities from them? They have not yet started building. They could tailor-make the facilities so they would be adequate for court facilities.

In fact I was in court today and you had better hang on. There will be a rough grand jury report coming out—not a grand jury, but the people who replaced the grand jury and who tour the facilities now. I was in court today when they walked in—they were up at Rideau Trust trying to find an accused who was hiding behind a pillar, that's the way it is in the Rideau Trust building. But seriously, let's look at that. Why couldn't there be some agreement worked out with the province and the federal government pertaining to the Rideau Centre which is going to go up shortly?

In the meantime we have a couple of court rooms to tide us over up until we get the Rideau Centre built. It is an improvement. A new judge has also been announced, a new judge will be appointed; that certainly will be an improvement.

But you see we are in a situation, with these two judges, where, every second day there is great competition between the Ottawa Journal and the Ottawa Citizen to see who will come out with the roughest story about what is going on. You know there is now a thing about the judges mixed up with prostitutes; and apparently there was a book out involving certain VIPs and certain senior police officials. You get a headline every second day. Apparently there is also a mixture of prostitution and young people under 16 years of age and homosexuals, and they are relating this to the famous homosexual ring they had last year if you recall. There was an inquiry by the Ontario Provincial Police about some of the activities of the police.

So we are left with a situation, what with these judges and improper facilities, where the atmosphere is not good. I want to tell you, we are going to have to look seriously

at the whole process under that Provincial Courts Act and the judicial council.

I certainly have no political points to make by speaking in this fashion on this issue, but let's say the judges involved had been innocent, their effectiveness, their credibility as judges, would even so have been totally and completely impaired. For weeks on end you have headlines saying, "Judges Before Judicial Council." The public assumed as the public often will when the story involves people of authority, people in high places, "Ah ha, they are mixed up in something!"

We are going to have to look at this question of whether publicity, pre-investigation publicity, should be allowed. The whole thing really breaks down when the judicial council makes a recommendation, for instance against Judge Williams, and says he should be for all intents and purposes, fired.

Some legal authorities maintain that under the Provincial Courts Act they didn't have the power to make that recommendation. Their only power was to recommend that there be a public inquiry. That was further complicated by the fact that you said you agreed with them. So the judge read in the press that the judicial council made that recommendation.

**Hon. Mr. McMurtry:** Just a second.

**Mr. Roy:** Didn't you make that statement?

**Hon. Mr. McMurtry:** Just on a point of order, that's a serious misstatement of fact, Mr. Chairman. I know it wasn't deliberate, but that is an error.

**Mr. Roy:** Did you not say that you agreed with the recommendation of the judicial council?

**Hon. Mr. McMurtry:** No, I certainly did not.

**Mr. Deputy Chairman:** Order, please.

**Hon. Mr. McMurtry:** No, it's a very serious matter, Mr. Chairman, that's why I want to make the record clear on that. I said no such thing.

**Mr. Deputy Chairman:** Mr. Attorney General, that is not a valid point of order. You can correct the record when it is your turn to speak. Would the member for Ottawa East please continue, and the Attorney General will reply when it's his turn?

**Mr. Roy:** I want to say to the Attorney General, I don't want to get involved in attributing any comments here that you did not make, but you had better check the press. You had better check the press, be-

cause you've been quoted in some press stories as saying that you agreed, or some words to that effect, with the recommendations of the judicial council.

I would ask your officials to check the press around that period of time, because I've read reports in the Ottawa paper, and I think in the Toronto papers, about such comments. I don't happen to have them here, but I think you should check that.

Aside from that, the situation goes on. A public inquiry was called for. Mr. Justice Robins was appointed. Counsel was appointed for this judicial inquiry and it's going to be set up. What did we get last week in Ottawa? The terms of reference of this public inquiry came out and the terms of reference included the name of the so-called prostitute. So the next day in the press we had headlines all over the place, where the press got to the prostitute and now she is saying that she had some important people. She said, "If I had known that he was a judge I wouldn't have had his name in my book."

What are we having inquiries for if we're getting into a situation where the press is getting to the witnesses before they get a chance to testify before the inquiry? I really wonder, in looking at this whole procedure of the council, if we shouldn't tighten something up. I don't know if you agree with me that it's a very unsatisfactory situation. The people in Ottawa and in the Ottawa area have been treated every second day since August, to a new headline in one or two of the local papers saying this has happened, or there are VIPs involved, or senior police officials involved.

Last week, as I say, there was a whole story on this girl and how she got involved with the judge. This is before the inquiry takes place. I really think the whole process of this thing has been most unsatisfactory. We're going to have to look at it. It's been unsatisfactory for the whole administration of justice, and I think it's been unfair to that man. I don't want to deal with it at too much length, because I know there's an inquiry.

**Mr. Stong:** Justice has been side-stepped.

**Mr. Roy:** Yes, really it has. There's a time when we seriously have to look at some of these things and what is going on.

So if I may end on that note, Mr. Chairman, the situation in Ottawa is not good. I think this inquiry which was set up to look into the investigation by the police is going to be important. As you said, it was based more on innuendo than anything else, but

there is competition by the press in Ottawa and they're hell-bent on finding out who those VIPs are. Every second day you hear that the inquiry is going to be stopped because those VIPs don't want their names brought out as being in the book of that so-called prostitute.

**Mr. Stong:** They're hell-bent on selling papers.  
[9:30]

**Mr. Roy:** Yes. I tell you, the whole administration of justice in Ottawa is getting a black eye. And as I say that's complicated by the fact that there have been delays in our courts and so forth. So I think we've got some work to do and we've got some convincing to do.

If you don't get sufficient funds from your colleague to your right for the administration of justice, it's not because of us on this side. We have repeated these things. You have our full support. It's up to you to be heard by members of your own caucus and members of your own cabinet. You will get our support to do these things. I think it is incumbent on us, because the administration of justice in this province continues to lose credibility and continues to deteriorate. It is not only reflected in the courts, that people are not getting justice within the courts; in fact the courts are becoming an impediment to justice. The whole process suffers along the way, the police enforcement and so on.

I think it's important that we deal with these problems and you have our support to do that. We will keep badgering you, and we will keep harping on these things. You know it is very difficult, because somehow we can't get through to the public on this. If we can't get through to the public in these tough times, we are not going to get through to the Premier, because if there's one who's politically sensitive about what's going on, it's him, and if he sees there's to be mileage in that issue, he'll jump on it.

**Mr. Conway:** Like the story about the candy and Darcy. If Darcy went "chomp, chomp," I wonder what Roy would do.

**Mr. Roy:** This party is dedicated to judicial reform and to efficiency in the administration of justice. That's where we see meaningful things.

We saw some of the bills that came forward on small claims and on provincial courts. We, on this side, would have brought something more meaningful to deal basically. I can't understand that the judges, who are critical of some of the things going on in the courts, would not give full support to improvement in some of these areas. So



that's the approach we want to take and, hopefully, as we proceed through these estimates, we will have a chance to have a full discussion on them.

**Mr. Lawlor:** First of all, I would like to welcome Allan Leal in the chamber in his—you can't call it a baptism of fire, he has already been through that several times. I am sure he has been cleansed, that is in another capacity. He may use Irish Spring soap, as does the deputy. Without taking a thing away from Frank Callaghan, the paper that was read tonight had a kind of swing and rhetorical flavour, and what not, which at least I trust, in part, I can attribute to the new deputy minister in this area.

Also I see his hand working through recent legislation that has been brought to us and, by and large, minatory as it may be, it's all to the good as things stand. Recently I took occasion to visit the offices where the Attorney General sits in his eyrie, looking down. It's a fairly noiseless place and, on that ground, I suppose there's something very well to be said about it—

**Mr. Conway:** Tell us what you were looking for. Was this before the election?

**Mr. Lawlor:** I was looking for industry and discernment. I found a good deal of the first and a little less of the second. The offices are not exactly sumptuous. As a matter of fact—

**Mr. Roy:** They are not like the Ombudsman's, eh?

**Mr. Lawlor:** Well, some of the cubby holes reminded me of the offices that we occupied in the old days.

**Mr. Conway:** That bad?

**Mr. Lawlor:** The corridors are lined. The secretaries are exposed to the winds of the open windows. You get a sense of congestion and what not. I just wanted to mention that, I don't suppose with your constraints that much can be done about it. The Attorney General's office itself has one very commendable feature—not commendable in any disparaging way, but commendable in the sense that egotism is not his central virtue; that's very strange in Attorneys General and politicians generally—he had none of his own paintings on the wall. Quite remarkable. He does, however, keep figurines of all kinds, most'y to do with judges. The possibilities there are enormous. We have to keep that in mind whenever he needs a gift. When he departs office one would know no better gift on that occasion. But there may even be occasions in between where a rather colourful and bulbous judge, an extra figure, would repose in his office generally.

The chief article for discussion this year is going to have to be the case load situation. I didn't hear from my colleague any great nostrums as to how this would be handled, nor do I suspect will you hear a great deal from me in a positive way. I think we can mull it over and discuss it.

Before I get into the mulling, I did write your office about two and a half weeks ago asking you to produce a statistical table showing what the case load situation really was, for the purposes of these estimates, as I have done in previous years and received it with fair alacrity. But on this occasion I have to confess I am somewhat disappointed in standing here tonight without that document. I would ask you to do your best in the next few days to get one both to me and to the official critic for the loyal opposition so that it gives us a sense of really what is happening in this particular area. I don't know how we can handle this crucial issue without some figures before us. You have provided a few in your red book, for which again I thank you, and which has some measure of value and which was delivered to us last Friday.

On case load situations, I want to point out that if we did the same thing that I am going to read to you now, we would have equally horrendous results. I am looking at a publication called *Current History: World Affairs*, June, 1976, which talks about the criminal justice system in the United States federal courts. It points out that in the US district courts, they take their base year as 1960 and the year of determination as 1975. The number of criminal cases in that span of time went up 54 per cent in those courts. But habeas corpus applications under state prisoners went up 799 per cent. The figures all down the page here are remarkable. Criminal cases going to the US Court of Appeals in that span of 15 years went up 572 per cent. Habeas corpus state prisoners to the Court of Appeals went up 685 per cent. I could go on with figures of this kind.

By the way, that's the kind of thing that is peculiar and endemic to the American system, where the prisoner tried in a state court appeals to a federal court and gets himself outside state jurisdiction by advertising to the constitution and calling upon certiorari with habeas corpus in aid. It's a procedural thing; I don't think we use habeas corpus in the same sense or in the same way at all. It's an interesting formal device that they use in those particular courts.

What I am after, though, are these monumental figures of 799 per cent and 572 per cent. For instance, in the United States

Court of Appeals the total criminal and civil cases went up 466 per cent. In the appellate docket of the United States Supreme Court, it went up 106 per cent, and in the miscellaneous docket 88 per cent.

Part of the point that I'm seeking to raise in this is that it is not specifically because of Legal Aid by any means that we are experiencing a similar difficulty here. There are a diversity of instances. The press too often and some kinds of statements made by the practising bar—I saw a couple of them in the last few days—I think do a great disservice indeed to the Legal Aid system of this province. If these individuals really want a public defender system they'll get it by withdrawing senior counsel and the highly equipped and perhaps best members of the criminal bar, by pulling themselves out and boycotting the operation.

What is the extent and depth of their social sense and responsibility in supporting this scheme? They slough it off, as I see they're doing, for a little publicity I suppose, and denigrate the operations of the scheme itself in the process. If they want to pull out, so be it. If they think they can make more money somewhere else, that's up to them. But to pillory the rest of the bar and the scheme itself—and this is what wins the newspaper advertisement, not the highly meritorious and equitable work that Legal Aid is designed to do and which it does do—is a grave disservice that they're doing there.

I have with me a text called "Justice Denied: A Case for Reform of the Courts." It's a Penguin publication. It was published back in 1971. It makes some fairly searching comments. True, it's within the American jurisdiction again and, therefore, peculiar to them in many ways and not applicable to us, but in many instances, nevertheless, it is applicable and valuable. I commend the book, if he is not already cognizant of it, to the deputy, to the people responsible in his projects and planning areas and to the Attorney General himself.

I'll just read you a piece which I'm sure has no remote application to us here. "Former Chief Justice Earl Warren of the United States Supreme Court once told a group of judges and lawyers about a study made of a crowded trial court in a large east coast city. The clerk's office was particularly chaotic and backward in its operation. Observers had noticed that one deputy clerk whose desk was next to the wall frequently left the room for short periods in response to a loud knocking from the other side of the wall.

" 'In due course, the reason for the mysterious conduct was disclosed,' Warren said. 'On the other side of the wall was the probation office which had a telephone while there was no telephone in the clerk's office. Consequently, knowledgeable lawyers who needed to telephone the clerk would call the probation officer who would knock on the wall so the clerk would come and answer the phone.

" 'This strange practice arose,' Warren explained, 'because the clerk did not permit a telephone in his office. He said he was opposed to the telephone on principle.' The incident was not from the dark ages. It happened as recently as 1958."

I think you may find here not precisely perhaps the telephone, although that's conceivable too, but very analogous instances of backwardness, of being opposed to some aspects of case flow management, say, of not finding the IBM company wholly compatible within some little demesne down towards Halton and any number of obstructions in the path.

[9:45]

You might even find it at the central office down here, if you look very hard. The smooth-flowing—the use of computer techniques rather than longhand, and the quill if possible, as the best instrument with which to record for posterity everything that happens over the counter. The quick retrieval that occurs when the documents have been lost in somebody's desk in the back office. The numerous instances that one runs into in the process of dealing with the courts.

So you come after a time, and most reluctantly, to think that a certain bone-headedness is operating within the system. I quote from page 139:

"Despite large increases in work loads, the pace of the courts remains traditionally slow. Judges usually do not ascend to their benches before 10 a.m. or stay past 4 p.m. 'You could shoot a cannon off in the courthouse at 4:30 and not hit anyone,' observed a judge in Washington, D.C.

"Lunch hours and recesses are long and the judges take days off in the middle of the week when they want to. Summer often brings an almost complete halt to all but emergency business, as most judges take their vacation for a month or two at the same time. No one in the courthouse supervises judges' working hours or schedules their comings and goings. As one clerk said, no matter how late it is when a judge gets on the bench in the morning, that's when it's 10 o'clock."



There's some horse sense in the little book.

**Mr. Stong:** Thank goodness that doesn't apply here.

**Mr. Lawlor:** "Every month in Los Angeles, the backlog of untried civil and criminal cases rose by at least 200, and it is now nearing a staggering 50,000 pending cases."

Last year when you presented your list to me, I was staggered by the 100,000 and some odd pending cases in provincial offences alone in the provincial criminal courts of this province.

"In New York City, about 10,000 defendants are waiting behind bars to be tried, 2,000 of them for periods longer than six months."

One would like to get figures as to how many people are sitting in jail, the Don Jail and the other jails of this province, in proportion to population figures, simply because of the log jam in the courts. That is the most pitiful and the most questionable of all.

"They refuse to admit that the primary cause of congestion and delay in American courts"—in Ontario courts, if I may substitute—"is what it has always been—the base inefficiency and unresponsiveness of the courts themselves and the indifference of a citizenry that refuses both to attack the courts' lethargy and to pay for the increased personnel and modern machinery needed."

That's where the fault lies. What has the Attorney General of this province done about it? Working with the Law Reform Commission, which started its studies in 1970 and completed and submitted its studies in 1973 as to what streamlining and benefits could be brought about, the Attorney General has had a monumental struggle uphill ever since with a vast diversity of obfuscation all the way along the line.

I guess the Law Reform Commission did the best they knew how. They submitted a divided jurisdiction, that the judges judge and the administration administrate. That imported that the Attorney General of this province directly administer the courts. That was one solution. They've tried that. I don't know if it was found wanting or not in the full sense of that word "wanting." Anyhow it has cascaded and fallen and pragmatically has been jettisoned in the last little while out of the central west project.

I've never been quite clear about it. I suppose it's not the kind of subject you can talk about too vocally. It found that the full co-operation of the judiciary wasn't available. It may have gone beyond that. It may be that the court clerk system also has subverted

the possibility of getting the court administrator function properly operating.

The concept of the divided jurisdiction meant that you move in in a full way and say that the court administrator will run the courts and shape the courts and the case load will go as dictated and that the judge's job is to be on that bench and to adjudicate, to make decisions and not to set up anything else. That seems to me a perfectly legitimate function which did not in essence impinge upon the role of the judiciary. That was a possibility. But you have to take human sentiment and all the tergiversations of the judicial and other minds into consideration.

Either you take it or they take it. You've gone the second way. I can't take exception to that. I suppose you're going to have to do something, because if you don't get the co-operation one way, you're going to have to another way. You don't extract it, you initiate it. You bring it about through subtlety and by an end run, so to speak. That's what you're doing now. You're saying, "I'm going to set up a council of judges." Then in the last few days you felt that they weren't populous enough, as there were only about six or seven of the poor devils who are going to cover this whole vast spectrum of the courts and their internal operation, et cetera, so you gave them all an associate.

I really question the associate, at least on some levels of the court. At the Supreme Court level I question the associate and maybe even for the county, but not for the other levels. You're adding another judicial officer who is not acting as a judge and you're appointing a man with special competence and expertise in an area where that expertise is not going to be fully utilized. It is very costly to do that. I would have gone slow on that. But there they are. I guess if you start out with a parallel and with an intent of pure logic, you set up all these associate justices to try working through the judicial council with its advisory body the magic of their intercession with the judges themselves.

I suppose again you say it's empirical and that you have to work it slowly to test it because in your white paper on courts administration you make admission and make no commission to rectify the openness of the individual judge acting in resistance to this, which we have no doubt in our minds you're going to encounter in fairly numerous instances.

You think you can sugarcoat the pill and that other senior judges will be able to bring their weight to bear. Lord knows I trust that

this will take place because, if it's anything else, the courts are going to go into a very rabid condition indeed. All the faults will accumulate and accumulatively come down on your head in the next two or three years with respect to this business of case flow management.

The other thing I want to mention here is that case flow management is only a very small part, albeit the critical part, because of resistances. But the various other objectives, apparently, have flowed through very well, developing standards for the provincial and family courts.

General management of the court offices by the management team develops out of more effective techniques for allocating the work of court reporters and the preparation of transcripts. We'll come to that, but it's certainly needed. The management team worked on this and apparently came up with commendable solutions and was able to take out a lot of the underbrush and clear the path.

Indeed, development of statistical analyses, methods and techniques is very valuable indeed. That could be extended in the Legal Aid area to determine what lawyers are taking overloads of cases in those particular courts. Their names will come up on the computer analysis of this. If they're taking an overload, of course it simply means they're going to adjourn their case, and if they're going to adjourn their case, they're going to throw the court system out of whack, with interminable delays and the piling up of cases, et cetera.

Also there is the development of evaluative criteria and standards. For years, you couldn't extract what kind of cases and what particular dispositions and how far they got—a hundred other things which are valuable to know if you're going to have proper case flow management have never been able to be extracted from all those musty old files that are interred somewhere, I believe somewhere in my riding, as the court empties itself from time to time.

So what you've come down to is one final matter of these seven or eight points in case flow management. In the course of the debate, we'll come back to what case flow management qua, as such, means, and why they run into trouble in this particular area.

The Attorney General, it surprises me, gives an added turn to the screw in this, saying it is better to delegate to his judicial council the control over courts administration directly, precisely because of his position as Attorney General. He says as a chief

prosecuting officer and chief party before the courts, it is better for him not to be directly or immediately involved in many instances when a conflict of interest ensues. It is curious that that argument, which has become paramount now, wasn't that of the Law Reform Commission when they worked it over. Did it not occur to them? It's a great shame we're in this chamber having to debate. You know what an exchange we could have if we were down in our little abode below and one could see the colour of the eyes of the deputy, and your eyes too. But I know the colour of your eyes. I haven't quite looked into his yet.

There was something curious. I wonder what the answer to that particular problem is.

All right, for the nonce. In these estimates at least, and in no others, because the Attorney General is a transcendent figure, raised above mere phrase and petty politics and never seeking a political advantage in the press or in any other way so far as I can discern, I always like to wander off on that tangent which is peculiarly my own and talk about jurisprudential things and things which have no conceivable relevance to anything under the sun, except that, benighted as I am, I think that they are the most important things you could talk about and the closest to reality.

[10:00]

The use of the term reality, incidentally—pace, pace Oshawa—ah Centre. There are layers and layers of that commodity. It may descend to infinity, but in any event there are layers and layers in it. Secondly, it's perspectival. In other words, it depends upon the way you approach it.

It shifts you know; it's a kind of malleable stuffed, reality. When I hear you calling for us, in the family law stuff, as to what the nature of reality is, nothing is more metaphysically abhorrent to me. It should be recognized that a great deal of colour enters even waking light and shapes it.

I want to spend a few minutes talking about the overall budget. I'm going to give a little lecture. When I leave here and I'm finally disburdened of all the enormous chores of the Ontario Legislature, I want to write a book on jurisprudence. The book—at least one of them, there's two of them. The first one has to do with the relations between love and law, a subject of infinite merit and infinite intrigue. It's never talked about in the books of jurisprudence, never. Simon doesn't mention it; Austin wouldn't dream of mentioning it, it's way beyond Austin.



**Mr. Cunningham:** It would be a great movie.

**Mr. Lawlor:** Diaz doesn't mention it—and we all love Diaz nowadays, that Australian genius who comes and writes a half decent book on the theory of law. Hartt makes a passing reference to it; Longfuller, close. But none of them really writes about it. This is a taboo subject among lawyers. It might weaken their fibre if they found the milk flowing, so to speak, so they drink either a bourbon or a very wicked gin.

**Mr. Van Horne:** It's a mother's ruin.

**Mr. Lawlor:** But you know, I mixed my mother's milk with vodka and it makes all the difference.

I just want to mention that the one guy who does deal with it is a theologian, and this fel'ow conditioned me. It's the theologians who do all the thinking in the modern world and no one ever listens to them.

A fellow by the name of Paul Tillich, author of "Love, Power and Justice," works out the theme and the inter-relationship. I'll just say one word on it. It's a very curious thing that with Emil Brunner, the Protestant theologian in Switzerland, and in the particular old tradition he represents, these things were thought antagonistic; that justice was a cruel, rigorous, blind, impersonal thing that ran directly contrary to, and was exclusive of, friendship or love.

Societies exist for one purpose and that is to bring men into friendship. Our society, and this is its greatest fault—well it's not its greatest fault, but it permeates it and damns it—our society is inimical, it's basically inimical to human friendships.

The law has a function to play in healing wounds, in uniting—which is the definition of love—and bringing people together. And not by way of antagonisms, by way of adversary systems, by way of espousing and cementing conflicts and tearing them apart. The whole economic system, of course, is this particular way. The businessman deals as a stranger, his flanks would be exposed otherwise. That may not be, and as we evolve, as we move into the new century this, if anywhere, will be the direction of the society; and if it isn't the direction of society, then cataclysm awaits, because the sheer weight of individuals pressing against one another, unless they can find this principle of amity and the law, and the law brings it about and consolidates it and gives it direction, the thing will fall of its own weight, the centre will not hold.

That's one piece of writing. That's too much for tonight.

The other text which I shall never write, but about which therefore I shall talk instead, has to do with the ends of law, which really means the ends of the state; which means, more than that, the ends of society.

Various societies are dedicated to different ends, and at different times in history our society has been dedicated to different ends. The first end that our society has been dedicated to, within the last 100 years or so, is freedom. It was a liberal philosophy—that was what the law was about—to enfranchise freedom, to make people free; and to the extent that it imposed upon them and made them that free, it was invalid law or at least questionable and not to be passed. It went too far, of course; it went into laissez-faire things where people were able to victimize others because the weight was lifted.

A curious thing—and I won't spend a good deal of time about this—a curious thing about freedom is that it has two different definitions which are mutually exclusive. One is the liberal definition that you do what you like; that's John Stuart Mill. The other definition comes from Hegel largely; Spinoza worked on it but in political terms it comes largely from Hegel. It says that freedom is the ability to do what you ought to do. The one leads into totalitarianism, because the imposition of authority tells you what you ought to do. But if the "ought" comes from you—the Roman Catholic position is closer to the second than the first, incidentally. They call the first licentiousness—licence, chaos, anarchy.

**Mr. Conway:** You know how we Catholics are, though, Patrick.

**Mr. Lawlor:** The next theory—there are five of them—is the utilitarian theory with the greatest general happiness. Happiness in the utilitarian theory is identified with pleasure; in Bentham it was identified with a very material and sensuous pleasure. I mean, you really sucked the apple.

**Mr. Conway:** Tell us about the hedonistic calculus.

**Mr. Lawlor:** With Mill, that angelic creature, it became more rarefied and pleasures became full of qualities, et cetera, so they no longer resembled pleasures at all. But he was able, therefore, to keep the theory going. The maximization of pleasure is the end of society and the end of the law. That's all utilitarian theory, which ruled very largely through the 19th century.

The third theory has to do with justice; that's the socialist theory basically. It has to do with equality. The law is designed to make human beings equal. Everyone concedes that human beings, all of us, are in



some ultimate and fundamental way, which is very difficult to describe, equal. We have peculiar talents. These are gifts given to us—quite different gifts given all the way around. They're nothing we have particularly earned, you know; they're inborn. You can develop them; if you don't develop them, then you are in trouble—you are wretched. So it's the process of development that counts if you want to be given any particular benefits by it by way of justice, et cetera.

It also has to do with equality and with the doctrine—and Allan Leal will appreciate this—of fairness. An American professor called John Rawls is working on a theory of justice along those lines which we will, if we persist in future years, spend a half hour on. I shall send you the text. You can spend an evening or two reading it and we will go back downstairs where it's possible to talk about these things in a decent way and get these estimates off to a decent start.

The fourth theory has to do with the common good. Common good is natural law theory and it's under some sort of a cloud at the present time. It is usually identified with one great figure, Aquinas, because he was a superb spokesman in some respects of the theory. What he said was that men as distinguished from animals and plants—and Locke can go blow his horn, because he took natural law as pervading the universe—that men have natures; that there are certain orientations, acclivities and states of mind that we all share in common; and that human development does take place along, not predetermined but predictable, or more or less variably predictable, paths. The law would be designed precisely to aid in that particular form of development, for men to come to maturity; which most people never do, of course, it's a very difficult task.

**Mrs. Campbell:** Especially men.

**Mr. Lawlor:** The second process is in terms of sociability. I always spend a lot of time with this. You can read my book, if it gets published.

I say that human nature is different from what Aquinas said. He had a very static notion of rationality, of what was reasonable and what was not. I think that human nature can be learned mostly from Karl Marx, the young Marx before he became quite rabid and thought he had the class struggle under control. The young Marx was a man who argued about the unlimited nature of human beings; that we are incomplete, that we complete ourselves in the future, and that the whole human condition is one of development and constant dynamism. He did this in societal terms.

The second guy, of course, was Freud; not holus-bolus but in the fact that he recognized dimensions in us which we don't recognize ourselves—the whole operation of repression, instincts, et cetera, and the unconscious which have tremendously powerful influence. If you take that wider ambit of human beings having intrinsic to their quality these various factors pointed out by these two very great men, then you begin to have a theory of human nature which would be a natural law theory; then the theory of the common good, on development of that, would become palatable, quasi-scientific to a point and what not.

The last area I want to mention is the positive. The end of law is order. That implies a master-slave relationship, a business of law being a command or being an imperative, a sense that obedience is the chief virtue of a citizen. Not critique, not looking at things developing on their own hook; that was the theory of law down to our own day, and it still presides in our law schools. Because we teach very little or no jurisprudence in the law schools, it continues to prevail. They all take the law as it is; that's what the law is. The theory that was taught here by Austin and is to this day taught by the leading jurisprudential man in the world, H. A. L. Hartt, is precisely that.

They go off in some ozone, some kind of abstract theory. One guy always talked about commands, the law being an order backed by a threat. It is called the gunman theory of law, that is what a gunman does. While it was rejected by Hartt at Oxford, at the same time he went off on the theory of rules, where the law is a particular mixture of primary and secondary rules, of obligation, secondary recognition, adjudication, et cetera.

We won't go into all that rigmarole, but you can see how abstract it gets. It has nothing to do with content, it's highly formalistic; what this positivist theory does is rule most of sociology, rule most of the human sciences, and it has penetrated into law.

It does so under the guise of science. Science is not concerned with values, it doesn't seek to say what the ends of human action are, or to weigh them and say one is better than another or anything of that kind at all. It simply deals with what is and analyses it just as it appears. You don't go beyond that or you don't go behind that. That approach to law means that if you get a fair number of lawyers practising who have no sense of the valuational structure inherent in the law itself, even in terms of the ethics of the profession this is highly deleterious because they think that law is a neutral



mechanism and therefore whatever utilization they make of it is equally neutral. Quite wrong, and we suffer the consequences.

[10:15]

These theories, however theoretical, may have immediate practical impact on our lives. I thought I would take a few moments off on that.

To come back to—not reality, I was with reality—to come back to a diminished form of reality, namely this place and our estimates tonight, there are a wide number of things we could bring up. You've done a fair amount of work on the racist stuff that's happening all around us. Certainly your heart is in the right place. There's not much that you can do, really; it's the Criminal Code, and the criminal law and the people in Ottawa are going to have to move in by amendments to that Code, I think, with respect to this racial business.

But in terms of the application of the law, that recent rather thick report with yellow covers came out the other day; it was circulated among the members of the House, I think,—at least I got one. It makes a severe critique of the police and their operation, but it goes rather lightly on the courts, as a matter of fact only one page about it. The reason the man who wrote the report gives for thinking that way is because of the obtuseness of the police and their obstruction in many of these cases where people have been assaulted, had their property damaged, and suffered brigandage, and an almost criminal libel; the police take no action, they slough it off. The reason, he says, that it probably hasn't affected you all that much in a direct way is because it never gets to the courts.

They give an instance of a judge, I think in Kitchener, who overstepped the line by some incendiary remarks with racial undertones, but that's as far as it goes in that particular report.

Nevertheless, Wally Pittman will be issuing his report very soon too; and the Social Planning Council of Metropolitan Toronto has written quite a good report also, working through a former member of the Human Rights Commission.

I would just simply say that you, in your consultations which you have in this little committee, can bring greater weight to bear on the Solicitor General (Mr. MacBeth) with respect to racial instances, to have the police lay the charges themselves, or through the Crown attorney.

They very often send off the individual, because—we know why, the overload of the

courts. The relatively petty assault, and not assault occasioning bodily harm, is sent off. They are told: "You go personally and lay a personal, private complaint with the justice of the peace." Maybe in racial instances this ought not to be done. It should be laid by the police through the Crown attorney and handled by them in a direct way in the court to give particular emphasis to this particular kind of thing.

The other way is what's happening at the present time and that's a mistake. Perhaps if you could—you do send out your directives from time to time, always very cloaked and secretive, but they do come into our hands, what little directions that you give to your Crown attorneys; they should be public documents. In this instance I would commend one to you, namely this particular one.

Just two further areas: The vandalism, of which you are aware and which you've made public statements on, is a matter, again, that is going to require particularly cognizant and strong measures by the courts themselves.

You mentioned, tonight, decriminalization. Of course that normally means crimes without victims and that many of these crimes should be removed from the statute books, et cetera. There are a number of ways in which the court congestion can be relieved and one of them is, of course, the vast number of highway traffic cases that are tried.

I think I mentioned this on a previous occasion. Some thought is going to have to be given to setting up some kind of tribunal apart from the courts to try cases, at least those under a certain monetary figure. It's all highly mechanical now and highly repetitious, and it could be done out there in a way that would relieve the courts. If you did that alone, the number of cases that are being tried arising out of highway negligence would drop. This would be resisted mightily by those people who are employed in this particular area, but I think they would do well enough in the kind of tribunal I have in mind in this particular area.

**Mr. Roy:** You are not suggesting that we nationalize the whole insurance plan, though?

**Mr. Lawlor:** I think you will get a report of a select committee of this Legislature fairly soon in which unanimously they will agree to do so.

**Mr. Roy:** Unanimously; I look forward to that.

**Mr. Lawlor:** Unanimously; once Vern Singer left it became unanimous. Vern was so opposed to it he wouldn't even let the committee go and visit the western provinces.

**Mr. Roy:** That would be contrary to some earlier statements made by yourself where you said you were against it.

**Mr. Conway:** Oh to have the former member for Wilson Heights with us.

**Mr. Lawlor:** You mistake jocularity for intent, I can tell you that.

**Mr. Conway:** The question is what is in the speech?

**Mr. Lawlor:** So do most other people, so we have to live with these things; in paradise we will be able to say what we like.

**Mrs. Campbell:** In what words?

**Mr. Lawlor:** I think I mentioned that in Switzerland this particular area was interesting, because the Swiss law was changed so that you sued not the other party in an action but the insurance company of the other party, you sued them direct. Immediately upon that being done, the case-load fell somewhat monumentally and settlement ensued. They only had two cases in their courts at all levels of tort negligence in automobile accident claims in Switzerland the year we were there.

**Mr. Roy:** What did they do, Pat?

**Mr. Lawlor:** You sue the insurance company direct and you don't sue the other party.

**Mr. Roy:** Especially if you've got the jury system, no less.

**Mr. Lawlor:** The insurance people were so exposed to all these writs and suits, et cetera, and in order to avoid same they settled. They wouldn't get themselves into the position—

**Mr. Roy:** It's not a bad idea.

**Mr. Lawlor:** There's some psychological—maybe they are tougher fibre over here, but I don't think there is anything tougher than a Swiss insurance agent.

I take it all back. Anyhow, maybe they are willing to expose themselves to that more.

**Mr. Roy:** Especially if you get the jury system.

**Mr. Lawlor:** Of course if you had a full theory of no fault insurance too, there would no longer be the necessity and your whole problem would be solved overnight.

**Mr. Conway:** Have you and Renwick made your minds up on that yet?

**Mr. Roy:** Methinks he lacks enthusiasm.

**Mr. Lawlor:** Complete no fault, that's what I said.

**Mr. Lupusella:** The legal profession would be going bankrupt.

**Mr. Roy:** It's not that at all, we are defending the right of the individual.

**Mr. Lawlor:** Just before I sit down, Williston is acting on the rules, and it was interesting to me what the member for Ottawa East said about motions, et cetera. We all know the business about being motioned to death, where there are lawyers who will drive you right down the well into the shale with motions. He raises a motion a week and he beats you to a pulp and you throw in the towel—well you don't, really, but you bloody well consider it.

Something has to be done with them. One of the things that might be done, while I concede what you say about some of them being more important or taking longer than the trial itself, is that the motions should be all tried at one time. If he wants to motion, he's got all six of them so he can string the thing out and make himself some extra fees and pretend that he is doing something when he is doing very little. Those motions should be tried all at once. You bring all your motions together at once and then you go to trial. You don't string them out week after week and tie up everything in that particular way.

Then you would see what efficacy the motion really had; whether it was serious or non-serious, whether he was pulling them out of clean air in order to play games or not. That would be possibly a beneficial move in this area.

As I say I hope that Mr. Williston is considering this sort of thing, because nothing adds more to the costs of litigation than that particular practice. I think the practice in many instances is unwarranted. It's a way of tying up the courts, tying up the judicial personnel.

**Mr. Roy:** We should have four rules.

**Mr. Lawlor:** All right, I guess we can get started.

**Mr. Chairman:** Would this be an appropriate time to—

**Mrs. Campbell:** Are you going to reply?

**Hon. Mr. McMurtry:** Yes, I think it is unlikely, at this late hour, or even if it were the beginning of the day I doubt I could rise to such dizzying, intellectual and rhetorical heights.

On motion by Hon. Mr. McMurtry, the committee of supply reported certain resolutions and asked for leave to sit again.



**Mr. Lawlor:** On a point of order, when does the committee meet again?

**Mr. Roy:** That is a good point.

**Hon. Mr. McMurtry:** Wednesday afternoon.

**Mr. Lawlor:** I'm not clear as to when this committee meets again; I would very much like to know.

**Mr. Breithaupt:** I believe that the committee is meant to meet on Wednesday afternoon, when the House will be sitting; unless, as I understand it, there might be a motion of no confidence, which the member for Lakeshore's party may bring. I don't know whether that is the case or not, but should

that not be the case I presume that in fact the committee will deal with the estimates of the Attorney General on Wednesday afternoon.

**Mr. Lawlor:** Mr. Speaker, just one word, if there isn't a motion for no confidence already, then I damn well will see that there will be one, because we agreed not to sit on Wednesday.

**Mr. Roy:** I don't mind. I will be here Wednesday. I want to put it on the record that I will be prepared to sit on Wednesday.

On motion by Hon. Mr. McMurtry the House adjourned at 10:30 p.m.

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# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Tuesday, November 8, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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# LEGISLATURE OF ONTARIO

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TUESDAY, NOVEMBER 8, 1977

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### MUNICIPAL ELECTIONS

**Hon. Mr. McKeough:** Mr. Speaker, today at the appropriate time I will be presenting to the House for first reading a bill that will provide the basis for municipal elections in Ontario.

This bill replaces Bill 49, respecting municipal elections, which will not be called for further reading. We came to the conclusion, following the very useful exchange of views after Bill 49 was circulated, that the best approach was to prepare a completely new bill. This bill embodies the further recommendations of the joint election committee of the Association of Municipalities of Ontario and the Association of Municipal Clerks and Treasurers of Ontario for amendments to municipal election procedures, as well as the recommendations of more than 200 municipalities responding to Bill 49 over the summer and into the fall.

Many changes and new proposals have been incorporated in the new bill. The most significant is the change in the municipal election date to the second Monday in November, with a December 1 commencement date for municipal councils. With the assistance of the joint election committee, we have been able to adapt the election process to the earlier date without any deleterious effect on essential procedures. At this time we believe this change is the earliest possible within the constraints posed by these procedures.

Two innovations in the bill include an amendment to dispose of the use of a poll book at municipal elections—a less time-consuming process has been devised which will be particularly beneficial where vote recorders or voting machines are used; secondly, the requirement that the preliminary lists be posted in each polling subdivision has been replaced by the provision that at least two copies of the complete preliminary list will be posted in conspicuous public places in the municipality.

A further amendment I would like to mention deals with handicapped electors. The legislation has been amended to permit any handicapped elector to have a friend assist him in voting. Also, the language of these sections has been modernized.

Several other changes are procedural adjustments designed to complement the change in the election date. The remaining changes depart from proposals in Bill 49 and return to the existing provisions of the Municipal Elections Act. The latter reflect strong municipal opinion favouring some of the existing procedures regarding such matters as the polling hours, advance polls and recount procedures.

I am confident that the bill now before the Legislature represents, to the greatest possible extent, a consensus on appropriate and workable municipal election procedures.

In closing, I would only like to reiterate my earlier comment to the Legislature when introducing Bill 49, that it is important that this legislation be considered and finalized this fall to allow sufficient time for all those affected by the Act to become familiar with its provisions prior to the 1978 elections.

### INCOME TAX DISCOUNTS

**Hon. Mr. Grossman:** Mr. Speaker, at the beginning of each year, income tax discounters open for business in major Ontario centres. In makeshift store-front offices they offer consumers an instant cash rebate for the purchase of income tax and similar refunds.

For providing this service, these operators charge heavily—often up to 50 per cent of the face value of the refund. For example, if a taxpayer receives 60 cents on the dollar from the discounter this would be in effect an interest rate of 800 per cent per annum, assuming the refund from National Revenue is issued in a month.

Five other provinces have enacted legislation to force this type of operation out of business, or to reduce excessive profits by limiting the amount of the discount. Because they find it difficult to survive in other provinces, these operators are moving into Ontario where there is currently no legislation.

The federal government's proposed Borrowers and Depositors Protection Act would have included tax discounting as a lending transaction and would have limited the amount of the discount. However, at this time it seems unlikely that this Act will come into effect in time to protect those who, because of urgent financial need, become prey to this form of exploitation.

Therefore, because this government sees the necessity for an immediate and effective solution to this recurring problem, I will introduce, later today, the Income Tax Discounters Act, 1977. This Act will limit the amount of the discount to five per cent. In other words, the discounter must pay to the taxpayer at least 95 per cent of the anticipated refund. If the refund is greater than the amount calculated on the return, the excess must go to the taxpayer.

In keeping with my desire to provide consumer redress wherever possible, the Act will authorize provincial court judges to order restitution when tax discounters are convicted. For the purposes of enforcement, the order may be registered with the appropriate court. In addition, fines of up to \$5,000 may be levied on convicted parties. We had considered the alternative of registering and licensing these discounters. However, this route creates another expensive level of bureaucracy. More important, the mere registration of such operations would not provide any direct consumer protection or means of redress.

I hope that all the members of the House will share my concerns in this matter—

**Mr. Lewis:** Your concerns? It is the member for Hamilton Centre (Mr. Davison) who fought this battle; he fought this battle.

**Hon. Mr. Grossman:** —and will appreciate the urgency required. I look forward to their co-operation. We would like to have our legislation in place for the upcoming tax season.

## ORAL QUESTIONS

### GATT NEGOTIATIONS

**Mr. S. Smith:** Mr. Speaker, I would like to direct a question to the provincial Treasurer in regard to some positions he has taken, notably in his speech of October 25 to a joint meeting of the engineering and managerial organizations operating in Ontario.

Can the Treasurer explain why it is he seems to feel that freer trade is absolutely inevitable as a result of the negotiations to take place in Geneva, and why he feels that

Ontario's only response to this has to be basically to stop what he calls our wishful thinking and simply get ready to accept it? Why does he feel that it is so inevitable? Does he not recognize the very serious deleterious effect this could have on employment, particularly on the manufacturing sector in this province.

**Hon. Mr. McKeough:** Mr. Speaker, I don't say this in any way critically, but I don't think the Leader of the Opposition, if he would take the time to ask, would find any responsible political or business leader, or perhaps even labour leader in this country, who does not feel that the Geneva talks will lead to a lower level of tariffs world-wide.

I think that has been inevitable since the great success of the Kennedy round some 15 years ago, and I think it has been apparent for the last year or two years that there is a determination on the part of our principal trading partner, the United States, and our second and third trading partners, the European Economic Community and Japan, to see some lowering of tariffs, particularly in the industrialized world.

President Carter moved very decisively after his election a year ago to appoint Mr. Strauss, a very leading figure both on the American political scene and within his party, who had been engaged previously in the GATT negotiations. I think it is generally accepted that he was given a strong mandate to push ahead.

I would be glad to debate that point with the member but, as I say, I think there are few responsible people who do not feel that GATT will produce lower barriers.

What is completely uncertain, I suppose, is how good a deal or otherwise our negotiators at Geneva will secure. Obviously, we have to have continued access, to the United States in particular, and to the European Economic Community, for some of the things which we export and on which our success as a country has been built. It will be important for us to hold onto those advantages if they're there, and if possible improve those advantages. There are a number of areas where we would like to see lower tariffs on Canadian-processed or Canadian-manufactured goods going into the European Economic Community, the United States and Japan.

If we are to achieve that, then I think our negotiators would tell us that we are going to have to give to get, if I can put it that way. I think it is inevitable there will be reductions on tariffs of some things coming into this country. On the surface at least, if not deeper, this is going to make life more diffi-



cult for present Canadian manufacturers operating in domestic markets or attempting to replace imports, or for that matter attempting to export.

Frankly, I think that to look at it any other way is to be putting one's head in the sand; and that's not something which I would suggest to the Leader of the Opposition even on a Tuesday afternoon.

What we have been attempting to say and to point out is that the recent devaluation of the Canadian dollar to the tune of 12 or 13 per cent has given Canadian exporters and Canadian import replacers a competitive advantage in the short and medium run which is probably greater than the tariff cuts most of them can expect on certain lines.

I think it's very important that Canadian national policy and provincial policy work to maximize the advantage which has been obtained in devaluation. I think it's terribly important that governments commit themselves to freeing up capital and human resources to our manufacturing industries particularly. I think it's terribly important that we create the climate in this province and in this country in which those manufacturers and processors can operate with some certainty and some degree of knowledge of certainty for the future.

I think it is important that we continue, in this province at least, and in the country, to maintain a balanced and equitable tax structure which is competitive, and which in our view is as good if not better than that of our major competition in New York, Michigan, Ohio and neighbouring states in particular. By capitalizing on our advantages and not simply going about saying "Freer tariffs are not inevitable," and putting one's head in the sand, we have great opportunities.

[2:15]

**Mr. S. Smith:** I have a supplementary. Since the Treasurer did accept in the earlier part of his lengthy statement that the negotiators on behalf of Canada might exert some influence on the ultimate results from Geneva, and since Canada's chief negotiator is rather well identified as a man who favours freer trade, would the Treasurer not consider, on behalf of Ontario, publicly raising our voice—both as the Legislature of Ontario and as the government of Ontario—to encourage the Canadian government to take more of a protectionist stand at Geneva than its negotiator might be inclined to do?

**Mr. Lewis:** I can't keep up with this. It's too much.

**Mr. S. Smith:** Shouldn't we go on record in this regard, given the fact that we stand

to lose so many jobs at a very difficult time in our history?

**Mr. Lewis:** Grit protectionist and Tory free-trader. What's the world coming to? I can't cope. Help!

**Hon. Mr. McKeough:** Mr. Speaker, there is no evidence to suggest that the ultimate advantages of freer trade to Ontario and to Canada will not be beneficial both in terms of jobs and in terms of a better standard of living. Where we have moved—and we have seen that since the original GATT negotiations—we have achieved some success. Certainly my colleague will be pointing out to Ottawa areas of potential weakness, areas where tariff reductions should not perhaps be considered, areas where tariff reductions may be possible if they are phased, areas which will require transitional assistance from the senior governments; and that is the very business that we are all about. It is the business which my colleague and myself and others are very much engaged in; and indeed which the Canadian Manufacturer's Association, among others, have engaged in, I would think, for two or three years, making those very points to Ottawa. Ottawa is in the process of attempting to sort those out, I assume, before they give their final instructions to their negotiators at Geneva when they get down to the serious business, probably next January.

**Mr. Cassidy:** Supplementary, Mr. Speaker: In view of the fact that neither the Treasurer nor the Minister of Industry and Tourism (Mr. Bennett) have given any clear indication of which industries Ontario would wish to see favoured in the tariff cuts and which industries it wants to see thrown to the wolves, will Ontario have a representative or an observer with the negotiating team in Geneva in order to communicate this non-policy?

**Hon. Mr. McKeough:** Mr. Speaker, we have not been so asked by Ottawa. We can only make our best input, which we will continue to do, and be available for consultation with Ottawa as the negotiations proceed. However, I think the decisions will be made relatively quickly. I would only point out to the hon. member that I can't think of anything dumber than for me to stand in my place, or for the Minister of Industry and Tourism to stand in his place, and say this is an industry which you should protect and this is the one that you shouldn't protect. You just don't negotiate those sorts of things in public. I can't really imagine a dumber suggestion than that which I have just heard from the hon. member.

**Mr. Cassidy:** How about having a policy?



**Mr. Peterson:** I'll see if I can go one better.

**An hon. member:** You will, Dave; you will.

**Mr. Peterson:** Supplementary, to the Treasurer, Mr. Speaker: In view of the fact that the Treasurer is seen in all of the speeches that he is making lately as the champion of free trade, and in view of the considerable amount of correspondence both he and I have had from small independent manufacturers who—

**Hon. Mr. McKeough:** One letter.

**An hon. member:** Is that all you got?

**Mr. Peterson:** —see him as their enemy, would he not agree that he is part of the crisis of confidence in the investment community and in the small manufacturing sector in this province?

**Hon. Mr. Davis:** David, I didn't think you would, but you did.

**Hon. Mr. McKeough:** Mr. Speaker, I suppose, there was a day when as a young man, I would like to have been characterized as a proponent of free trade. I don't think even my critics at this moment, other than the member who has just put his foot in it again, would describe me as a proponent of free trade. A proponent of freer trade, yes—and one who is doing his best to say that we can't just sit back and put our head in the sand and think that the world is going to look after us. That may be the policy of the Liberal Party, but it is not our policy.

**Mr. Davidson:** Mr. Speaker, if I may ask a supplementary: Given that Mr. William Berry, a director of the Canadian Textile Institute, totally disagrees with the policy the Treasurer has, and suggests that 200,000 Canadian jobs would be lost in the textile industry alone as a result of his proposal—a good number of those in the province of Ontario—can he tell us what job programs he has to replace the people who are going to be thrown out of work by the type of program he is proposing?

**Hon. Mr. McKeough:** Mr. Speaker, I have not seen those views, and at first blush I would not agree with them. The Minister of Industry and Tourism has, along with his colleagues from Quebec, been successful in negotiating a quota system for textiles. I think that does give us an opportunity in that area. I was interested to see this morning a copy of a letter which was addressed to the Premier, with copies to the Minister of Industry and Tourism (Mr. Bennett) and myself—from another Canadian industry not unrelated to textiles—saying: "We are six pretty strong manufacturers of a certain item; we've come together in effect to form a consortium, to rationalize. We think we can meet the com-

petition. We don't know that we can meet all the competition from the Third World, but we can certainly meet the competition from the EEC, from the developed world, from the United States. We recognize that it's inevitable, we may need some help; will you give us a hand?"

That's the kind of attitude I want to see out there, and that's the kind of attitude we are seeing out there. Canadian people can compete in world markets and they'll do a darn good job of it. But they won't do it with the carping that's coming from over there.

**Mr. Sweeney:** Given the fact that slightly in excess of 50 per cent of all the manufacturing in Canada is done in this province, would the Treasurer not agree that Ontario has a greater stake in these negotiations than any other single province in Canada? Would that not give him a legitimate position to go to the federal government and say that Ontario particularly wants to have a voice in these negotiations?

**Hon. Mr. McKeough:** Mr. Speaker, that's exactly what we've done. We've been making representations. Of course what the members don't understand over there is that when we make a point of view, we make it public; we release our papers, we make speeches public and we tell the people what we're up to. If I just kept my mouth shut there'd never be a question on this subject because the members opposite haven't got the brains to figure it all out.

Interjections.

**Mr. Speaker:** Order, please. This isn't an orderly way to carry on the question period. Does the member for Armourdale have a supplementary?

**Mr. McCaffrey:** It's a new question.

**Mr. Sargent:** Supplementary, Mr. Speaker.

**Mr. Speaker:** That's enough supplementaries from that side on this subject.

#### CANSAVE FUNDS FOR INDIAN CHILDREN

**Mr. S. Smith:** A question of the Premier, Mr. Speaker: Is the Premier aware that money for lunches for the Indian children on Whitedog and Grassy Narrows reserves is being supplied by Cansave on the same basis which it funds Third World countries? Does the Premier not agree that things have reached a pretty sorry state in Ontario's treatment of native peoples when an organization like Cansave, which is mostly devoted to the Third World, finds it necessary to fund lunches for Indian children at Grassy Narrows and Whitedog?



**Hon. Mr. Davis:** Mr. Speaker, I'm not aware of this—

**An hon. member:** The province of opportunity.

**Hon. Mr. Davis:** I'd be quite prepared to look into it for the hon. member and have some information for him just as soon as I get it.

**Mr. S. Smith:** By way of supplementary, is there not in the Premier's cabinet a chairman of all the matters dealing with Indians—I believe the member for Cochrane North (Mr. Brunelle)? Might the Premier not at some point consult with him to find out why in this province today it's necessary to have lunches funded by an organization supposedly designed to take care of the Third World and underdeveloped nations? Isn't it about time Ontario took its responsibility in this regard?

**Hon. Mr. Davis:** Mr. Speaker, perhaps the hon. member didn't understand my answer so I will repeat it. I will be quite prepared to get all the information I can for him on this subject. I won't bother to remind him that it is a federal reserve, as I understand it.

**Mr. S. Smith:** This government was ready with the freezers and with the other gimmicks.

**Hon. Mr. Davis:** Mr. Speaker, that's true. We try to solve as many problems as we can. Sometimes we solve problems that really aren't ours; we make an effort to do so.

**Mr. S. Smith:** That's right, this one is.

**Hon. Mr. Davis:** Before the hon. member's blood pressure rises to too high a level, perhaps he would be polite enough to accept the fact that I don't know, but I am quite prepared to look into it and come back with information for him.

#### SOCIAL ASSISTANCE REVIEW BOARD HEARING

**Mr. Lewis:** Mr. Speaker, may I address the first question I have to the Minister of Community and Social Services: Why did a senior legal counsel of his ministry, Mr. Dillon, accompanied by the director of his rehabilitation branch, Mr. Crichton, this morning attempt to prevent the attendance—at a hearing of the Social Assistance Review Board on a child with a learning disability—of my colleague, the member for Scarborough-Ellesmere (Mr. Warner), when the minister knows that members of the Legislature have regularly sat in on such hearings and participated, and when he knows that it forced the chairman of the hearing to overrule both the

director of the branch and the legal counsel of the ministry? What is afoot in that ministry now?

**Hon. Mr. Norton:** Mr. Speaker, I am not fully familiar with that situation, although before coming into the House it was briefly brought to my attention. It is my understanding that the board of review, as a matter of policy, has in the case of witnesses only—not members of the Legislature who are not there as witnesses—but in the case of witnesses has made a practice, as is done often in the courts and elsewhere where a series of witnesses is to be heard, of excluding those witnesses who have not been heard until such time as they are heard, after which they may remain for the balance of the proceedings.

I'm more familiar with it in the courts than in this particular forum, but the reason for that is generally understood—and I think the hon. member opposite would agree—to be that there are circumstances in which that is a desirable policy to follow. Certainly there is no policy which would preclude the attendance of members of the Legislature in any capacity at such a hearing—as an advocate, for example, or in any other capacity—except perhaps in the situation where they had indicated they are in attendance as a witness, which I understand was the situation this morning.

The legislation, I am advised, provides that the board does have the authority, at its discretion, to establish such a policy when hearing a series of witnesses.

I'm not sure whether that was the hon. member's understanding, but that was my understanding at this point in time.

**Mr. Lewis:** By way of supplementary—my colleague may wish to come in—surely the minister realizes that the questions of whether or not even expert witnesses are excluded is one that is open to many interpretations before that board, because some of us have sat through hearings where witnesses remained throughout? Surely it is a new precedent for this ministry to move legal counsel into a situation, admittedly highly charged, to exclude a member of the Legislature whose constituent is involved from attendance at and eventual modest observation on the case being heard? Can he suggest to the director of the rehab branch and the legal counsel that this is unacceptable in the future?

[2:30]

**Hon. Mr. Norton:** Mr. Speaker, it was my understanding that legal counsel for the ministry was sought only on the point of advice as to whether, in fact, the legislation read as it was thought that it did.



**Mr. Lewis:** No, they fought it unpleasantly.

**Hon. Mr. Norton:** I wasn't present, so I don't know whether there were unpleasant tones or not. I'm not sure that the hon. member putting the question was present either to know whether that was the case, but certainly it is my understanding at this point, and subject to further investigations by myself, that what was presented to the board this morning was a matter of a practice that has been followed previously by the board in the case of witnesses, not necessarily members of the Legislature—

**Mr. Lewis:** Not all the time.

**Hon. Mr. Norton:** —and if there has been any departure from the usual practice and policy I will investigate the matter further. I can assure the hon. member that there is certainly no intention to preclude members of the Legislature from attending at such hearings, and in fact, as he knows, they often do—perhaps not always, though, in the capacity of a witness, which I understand was the case this morning.

**Mr. Warner:** I have a supplementary, Mr. Speaker. Does the minister know that the distinctions which he drew in an earlier answer were distinctions that were drawn to the attention of his director, Mr. Crichton, who still insisted that it was not my responsibility as a member of this assembly to attend a matter involving a constituent of mine?

Secondly, does the minister not think that whether a member of this assembly is attending as either a witness to a particular portion or an observer on behalf of a constituent, the member of this assembly has a responsibility to that constituent, and those responsibilities should not be interfered with by the Crown?

**Hon. Mr. Norton:** Mr. Speaker, I would never suggest that a member of the Legislature should not be entitled to be present at such hearings. I'm not sure of the distinction that the hon. member is referring to. If it is the distinction between a member attending in the capacity of an advocate, or as an observer, or in support of a constituent, that is one thing—

**Mr. Lewis:** It doesn't really matter.

**Mr. Warner:** It doesn't matter.

**Hon. Mr. Norton:** —but surely if there is any validity to the principle of excluding witnesses—

**Mr. Lewis:** We're not experts in this House on such matters.

**Hon. Mr. Norton:** —nor do members always attend as witnesses. I understand the distinction that was made this morning was between witnesses, and in this particular in-

stance a member of the Legislature who appeared and indicated that he was there as a witness.

**Mr. S. Smith:** Why exclude witnesses from this sort of thing anyway? It is not a trial.

**Mr. Martel:** I have a supplementary, Mr. Speaker. Surely if a constituent asks a member of this Legislature to attend such a hearing with him, the constituent makes that determination and the ministry shouldn't try to infringe on that request by the constituent?

**Mr. Lewis:** Exactly. They were fighting it this morning. The ministry was fighting it.

**Hon. Mr. Norton:** No, Mr. Speaker. I would concur with what the member for Sudbury East says, but I also think that in many instances the constituent would appear perhaps with a number of persons who were there at the request of the constituent or someone who was representing the constituent. Surely the hon. member would understand, though, that it may be the opinion of the board—and it would be open, presumably, to a party to make this proposal to the board—that to provide for a fair hearing of the evidence, it would be desirable to have the witnesses excluded until their evidence was heard.

I would reiterate, in this particular case it was my understanding that the member of the Legislature who was present had indicated that he was present in the capacity of a witness. It was only on that basis that the issue arose, as far as I'm aware.

**Mr. Speaker:** We'll have one final supplementary. The hon. member for Kitchener-Wilmot. The questioning seems to be circuitous. We're not getting anywhere.

**Mr. Sweeney:** Mr. Speaker, I have a supplementary to the minister's second answer. I've been present at these hearings and I've never seen ministry officials bring in a lawyer; and given the fact that the children involved have clearly been defined by the Supreme Court in this matter, why are they bringing lawyers into these hearings?

**Hon. Mr. Norton:** As I said earlier, it was my understanding—and I have indicated that I have not had an opportunity to investigate this matter fully—it was my understanding at the time legal counsel was consulted that it related to a question of the content of the legislation and the authority the board had with respect to making a determination with regard to the exclusion of witnesses. It was on that point and that point only that legal advice was sought.

**Mr. McClellan:** It was your director who wanted a lawyer, not the board.



**Mr. Lewis:** May I ask the Provincial Secretary for Social Development, since we appear to be reaching a new low, virtually, in dealing with these very difficult cases, where we now have legal battles before the review board over the attendance of members, is it not possible for her to rationalize the views of her ministers within the secretariat and get us a statement on what will be done with children in this field to avoid this kind of confrontation which emerged this morning?

**Hon. Mrs. Birch:** I am sure the hon. member is fully aware of the great difficulty in coming to a policy decision on children with learning disabilities.

**Mr. McClellan:** That's not what you said last spring.

**Hon. Mrs. Birch:** There have been so many differing viewpoints from very well educated people in that particular field, it has been very difficult to come to some kind of consensus on what is best in the interests of these children with these very difficult learning disabilities.

I think we have reached the point where we are about to make an announcement very shortly. I hope when the announcement is made that the hon. member will realize that it has taken a great deal of time and involvement with many groups of people who are interested in this particular subject and that we will have his understanding that it is impossible to please everyone.

**Mr. Lewis:** May I ask, by way of supplementary, if that announcement is truly coming very shortly, can we suspend the almost inevitable weekly confrontations which are now taking place before that board until the ministry makes the announcement, if we can assume it is, say within the next week or 10 days? Can the minister give that undertaking?

**Hon. Mrs. Birch:** I am not prepared to give that undertaking at the moment but I will discuss it with the ministers who are involved.

**Mr. Nixon:** Supplementary: I would say to the minister, so that there be no misunderstanding, we don't want the hearings suspended in any way, but only that the concept that has been expressed by her colleague the Minister of Community and Social Services, that there is this legalistic approach to the hearing of witnesses imposed on a kind of hearing which should be as far away from that approach as possible, that this be avoided, since everybody there is concerned for the welfare of the young person whose education is at stake.

**Hon. Mrs. Birch:** That is what I intended to discuss with my colleagues.

**Mr. MacDonald:** Get rid of the bureaucratic, legalistic approach.

**Mr. McClellan:** By way of supplementary: Since the minister promised us a program for the learning disabled in place by September in her estimates last spring, and since the Minister of Education (Mr. Wells) promised a policy statement in September, may I ask her is the policy statement ready and when precisely is it going to be available?

**Hon. Mrs. Birch:** I have already indicated that there have been a tremendous number of problems involved in coming together on a statement that we thought would meet the needs of children with learning disabilities. That statement will be available soon. I am not prepared to state, definitely, the date.

**Mr. Sweeney:** Is the minister not aware of the fact that at the present time the only branch within the entire government that looks after children with serious learning disabilities is the rehabilitation branch and that it is already incredibly complex for parents to get through there? Surely the last thing we want is to make it even more complicated by bringing in legal counsel? Does the minister not realize that?

## PRAXIS INQUIRY

**Hon. Mr. McMurtry:** On November 1 the member for York Centre (Mr. Stong) asked me questions about an investigation regarding Praxis Corporation and specifically about the terms of reference related to this investigation.

**Mr. Speaker,** on June 24 of this year I received a letter from the federal Solicitor General, Francis Fox, passing on to my office information he had received from one Frank Oberle, the Member of Parliament for Prince George-Peace River. The letter stated Mr. Oberle had told Mr. Fox that a number of persons whose names were listed in the letter "could have information" relating to the matter. I want to stress that no allegations were being made by either Mr. Oberle or Mr. Fox. The letter was merely passing on information.

The same day I received this letter, I forwarded it to the chairman of the Ontario Police Commission asking for an investigation into the matter "in so far as it may affect any members of any police force in Ontario." I asked for a report "as soon as possible."

Shortly thereafter, following consultation involving the chairman of the Ontario Police Commission and senior officials in my ministry, it was decided that there should be



an investigation by the Ontario Police Commission pursuant to section 56 of the Police Act, and in addition there should be a full police investigation by senior criminal investigators to determine whether there were any breaches of the Criminal Code to be prosecuted.

As the members of this House are well aware, the Criminal Code includes the indictable offences of break, enter and theft, or break and enter with intent to commit an indictable offence, and also includes the offence of unlawful possession of property knowing the same to have been obtained by the commission of an indictable offence.

Two senior and highly qualified criminal investigators from the special services division of the Ontario Provincial Police were appointed by the Ontario Provincial Police at my request and they have been working in conjunction with an investigator from the Ontario Police Commission. The three investigators have also had the opportunity, during the course of their work, to consult with a senior Crown prosecutor in my ministry and they will be reviewing their findings with him when their work is completed.

Upon conclusion of this investigation and receipt of the report, I will be able to advise the members of this House further.

**Mr. Stong:** Supplementary, Mr. Speaker, through you to the minister: I wonder if the Attorney General would co-operate with the solicitors for Praxis, who have often requested the name of the person from whom the Metropolitan Toronto police received the stolen documents? All they have to do is provide the name of the RCMP officer from whom they received the stolen documents. They have requested that often and until now their efforts have been thwarted.

**Hon. Mr. McMurtry:** Mr. Speaker, as far as I am concerned, my responsibility in this matter is to determine whether or not there was any breach of the Criminal Code by any police officers in this province, or indeed by anyone else. In so far as assisting the solicitors for Praxis, as far as I am concerned this comes well outside my ambit of responsibility.

**Mr. Speaker:** The estimates of the Attorney General are before the House at the present time. I will allow one more supplementary.

**Mr. Stong:** Thank you, Mr. Speaker. In view of the fact that a private citizen can lay a complaint and ultimately a criminal charge, will the Attorney General not co-operate with the private citizen in this respect in his investigation, since the Metropolitan police will not lay a charge based on the

fact that the documents were stolen and known to be stolen?

**Hon. Mr. McMurtry:** I haven't anything further to add to my previous answer.

#### ASSESSMENT DATA

**Hon. Mrs. Scrivener:** Mr. Speaker, I would like to reply to the question raised by the hon. member for Waterloo North (Mr. Epp) regarding the release of assessment data to the municipalities.

General assessment information, as he may know, is available to each taxing jurisdiction in the province. In the case of market value assessment information, assessment data were released to the municipalities commencing in August 1976 by the Ministry of Treasury, Economics and Intergovernmental Affairs. Earlier, my ministry had supplied magnetic tapes, which included the pertinent assessment data, to the Treasury officials for their analysis. Treasury then assembled and released the data by property class, including both the old and new valuations.

I think it made sense that Treasury release this data in the reformed version, since it best suited the needs of the municipalities and since that ministry had resources available to assist municipalities in their analysis. [2:45]

I wish to say at this time that the region of Waterloo and its constituent municipalities and certain school boards received this data on September 1, 1976. It is my understanding that the data were released to each municipality in this province by property class in order that the municipalities and school boards could properly measure the impact of the tax reform proposals upon their tax bases while preparing submissions to the Blair commission.

I must point out that it was necessary to supply each municipality with not only its own data but also with the data of each of the municipalities with which it shared costs for particular programs, such as schools, regional governments, counties, et cetera. For instance, each municipality in Simcoe county received its own data plus the data for the 35 other participating municipalities.

While each municipality received a massive amount of data, I believe it was appropriate to provide the necessary information for a complete and meaningful analysis of the new tax base and the reform proposals. Further, each municipality received the appropriate technical advice to enable it to use the data to its best advantage.

**Mr. Epp:** I have a supplementary question for the minister. I want to thank her for



the answer, but to be honest, I don't think she has answered my question. In view of the fact that the ministry has this information available on a block-by-block basis, in view of the fact that the city of Toronto had to send a person down to the ministry to copy it out, which they felt was significant information for them, and in view of the fact that not every municipality can send representatives from all over the province to Toronto to copy it out by hand, would the ministry make this information available to the municipalities—all 835 of them—in the very near future?

**Hon. Mrs. Scrivener:** We have responded to requests for special information from various municipalities and boards of education as they have come through.

**Mr. Cassidy:** No, you haven't. You have delayed consistently.

**Hon. Mrs. Scrivener:** In the case of the city of Toronto—and I am aware of this request—the city of Toronto asked to have made available to it the information which was made available to the Blair commission during its studies. That information is now over a year old and quite frankly I think it is obsolete.

I think also the member doesn't appreciate the very difficult proposal he makes, inasmuch as these computer printouts are very big, very bulky and cumbersome, and if you haven't got a computer with which to run through and refine the information, it is just a hopeless morass of detail.

**Mr. Sargent:** Will the minister advise if she has received the \$2 million in tax from Ronto yet?

**Mr. Speaker:** Order, please. A final supplementary.

**Mr. Swart:** Supplementary: Wouldn't the minister agree that the information which she has supplied to municipalities or which has been supplied by TEIGA is largely meaningless when the government hasn't decided at what percentage of market value it is going to assess, and hasn't told the municipalities how it will affect the grants that they receive?

**Hon. Mrs. Scrivener:** It's a fact that when we released the information a year ago, we did provide the technical advice to the municipalities to help them to interpret that information. To take simply a computer printout of block-by-block information, yes, I agree there is very little value in that.

#### FRENCH-LANGUAGE INSTRUCTION

**Mr. Nixon:** Mr. Speaker, I have a question of the Minister of Education. Is he aware

that a large and growing number of secondary schools in Ontario do not offer French in grade 13 and a substantial number no longer offer it in grade 12, and that the number of English-speaking students taking French in grade 13 has dropped by 40 per cent since 1971? If he is aware of this, and I trust that he is, what steps are being taken to reverse this very serious trend?

**Hon. Mr. Wells:** Mr. Speaker, we are of course encouraging schools to encourage students to take French. It is not our intention to make French a mandatory subject in the secondary schools of this province.

I think that only the vocational schools, basically, in this province are not offering French—that's the special vocational schools; every other secondary school has French available, except a few. There are schools, of course, that do not offer it in grade 13. We are currently in discussion with the universities as a result of the Interface study and the universities' intention, perhaps at some time in the near future, to make French a mandatory requirement for admission. If that comes about, that will have a special effect on what happens in the secondary schools.

In order that meaningful programs can be available, all of us have to feel that the thrust we must take is to encourage young people to take it, but forcing them to take it is not going to help the situation at all. I think where we have to put our emphasis is in the elementary schools, encourage more immersion programs in school jurisdictions across this province and encourage more meaningful French programs in all the elementary schools. As I think I pointed out on one occasion in the past, there are very few elementary schools in this province that don't have some type of French program.

**Mr. Nixon:** Supplementary: Would the minister agree that the real figure of concern is the rate of decrease in French-language instruction to students in all grades, particularly the 40 per cent decrease in grade 13? If he has such a commitment, which I'm sure we all share, to offer instruction to people at the elementary level, why doesn't the school that we as a Legislature provide for our pages teach French? I asked them on the way in and they're not given French here. Why not?

**Hon. Mr. Wells:** I would be happy to discuss that with you, Mr. Speaker, and the committee of the Legislature that has authority over things that happen in this building.

**Mr. Lewis:** You have had the authority for a long time.



**Hon. Mr. Wells:** I understand it's a special committee, made up of all parties, that has input as to what goes on in this Legislature. I'm sure that that committee could pass its advice on to the Speaker. Certainly they'd have my full support if the Speaker wishes to ask the teacher here to introduce French. I think the member should ask the pages also.

**Mr. Nixon:** Supplementary: Does the minister recall the recommendations made by Mr. Gillin in his excellent report that was tabled here, I believe two years ago? Would he not consider those the basis of a program whereby we could reverse the very sad trend in the schools of this province, which means that the French language is heading in the same direction as the teaching of Latin and, far from being jammed down anybody's throats, which is often the complaint we get, is soon going to disappear from the school system, which I think would be unfortunate, except for the immersion courses that the minister is talking about at the elementary level?

**Hon. Mr. Wells:** I think my friend is off on the wrong track. We have in fact put into place the program that Mr. Gillin suggested.

**Mr. Nixon:** The whole program is not in place.

**Hon. Mr. Wells:** The French program is in place. The only difference is that it's up to the school boards to take up the program. We've put in a program for teaching French as a second language with financial incentives to do the same, based upon the principle that Gillin suggested. Indeed he helped develop the program that we introduced here in this House not so very long ago. That program is now being picked up by many school boards across this province. I think my friend will find that, given another year and an opportunity to develop a little more fully with a little more time, many elementary school programs of the nature that Gillin suggested will be in place and that this will occur.

**Mr. Samis:** Supplementary: Following the concerns of my colleague from Brant-Oxford-Norfolk, in view of the fact that the voluntary incentive approach doesn't seem to be working, especially at the secondary level, why is the minister reluctant and opposed to the idea of making it a mandatory subject in Ontario schools?

**Hon. Mr. Wells:** I thought I'd answered that. The point of making French a mandatory subject at the present time would not serve any particularly useful purpose. The

point is that French should be available. I would be very concerned if a school was not offering French, that is, if one of the regular secondary schools was not offering French. I believe the quality of the program will increase, and the chance of the student getting a more meaningful experience from that program will occur, if that student chooses to take the program, rather than by forcing all students in secondary schools, who now represent about 80 per cent of the young people in the secondary-school age bracket, regardless of their desire, to take that language at the present time.

**Mr. Samis:** You make them take math.

## UNEMPLOYMENT

**Mr. McCaffrey:** A question to the Treasurer: Earlier today the national unemployment figures for the month of October were released and I believe they showed 8.3 per cent unemployed. In view of the fact this now represents, I think, five consecutive months in which the national unemployment figures have been at, or in excess of, eight per cent, does the Treasurer have any comment to make?

**Hon. Mr. Davis:** Why didn't the members opposite ask that question?

**Hon. Mr. McKeough:** We haven't got the breakdown but there are some rather interesting figures.

**Mr. Sargent:** Why don't you table them?

**Hon. Mr. McKeough:** In terms of actual unemployment in Ontario, which fell from 6.5 per cent to six per cent from September to October, it is rather interesting that since October of a year ago, year over year, employment has risen by some 137,000. From January, the beginning of the year, until now, employment has risen on an actual basis by some 233,000. On a seasonably adjusted basis, unemployment in Ontario has fallen from September to October from 7.3 per cent to 6.8 per cent. Year over year, employment has grown—

**Mr. MacDonald:** This is a setup.

**Hon. Mr. McKeough:** —by 134,000, and since the beginning of the year employment has grown by 111,000, which means that the Bramalea charter has been met.

**Mr. MacDonald:** Speak on the budget debate.

**An hon. member:** It's a ministerial statement. It's loaded.

**Mr. Speaker:** Would you like a 10-minute recess?



## FRENCH-LANGUAGE INSTRUCTION

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Education. Can he inform the House, in view of the commitment he just made on the teaching of French, why it is that the ministry, after careful deliberation, is not prepared to make French obligatory in French-speaking high schools in the province, except on the condition that those pupils take four obligatory credits more than are required of English-speaking pupils?

**Hon. Mr. Wells:** Mr. Speaker, that matter is still under discussion with the Franco-Ontarian trustees' and teachers' associations. I might just ask my friend a rhetorical question: Is he prepared to vote for rescinding that section of the Education Act which says that French shall be taken for each of the four years in the secondary program in the French-language secondary schools and that English shall be taken? That is now part of the Act; and it is the law of this province.

I draw his attention to this fact. No other mandatory subject in secondary school is enshrined in the Education Act, but the teaching of anglais as a course in French-language secondary schools is part of the Education Act of this province. It would require an Act of this Legislature to take that particular requirement away from those schools. I suggest that would not be the proper thing to do at this point in time.

**Mr. Cassidy:** Supplementary, Mr. Speaker: I am prepared to say we should give equal treatment to French-speaking pupils as well as English-speaking pupils and, therefore, that requirement of the Act should be changed. I think it is wrong for the minister to say that. My supplementary, Mr. Speaker, is that the minister is, in fact, misleading the House because it is not correct—

**Mr. Speaker:** That is not parliamentary language. Just withdraw it.

**Mr. Cassidy:** I withdraw it, Mr. Speaker. Is it not correct that the choice given in consultations with French-speaking associations is either to retain the status quo, in which case French would not be an obligatory course in French-speaking high schools, or add four additional credits by making both French and English obligatory, which is not the case in the English-speaking high schools?

[3:00]

**Hon. Mr. Wells:** Mr. Speaker, that's one of the options, and I indicated to my friend exactly why that option has been placed forward. I don't feel at this point in time that I would want to come into the House with an amendment to the Education Act to take out

that section making anglais a mandatory course in French-language schools.

I've offered to make français, or French, a mandatory subject if they so desire on that basis. That isn't acceptable at the present time, although some students in the schools have told me it would be quite adequate because, in fact, while taking anglais, as required under the Act, 96 to 98 per cent of the students are also taking français. We'd be quite happy to make it a mandatory subject if they wish. But I cannot see removing anglais as a required subject in French-language schools at this point.

## ENERGY CONSERVATION

**Mr. Reed:** Mr. Speaker I have a question for the Minister of Energy. Is the Ministry of Energy still carrying on with the liaison program, much publicized by his predecessor, in which the Ministry of Energy advises other ministries on the best ways to accomplish conservation and efficiency-raising measures?

**Hon. J. A. Taylor:** Yes.

**Mr. Reed:** By way of supplementary, Mr. Speaker, could the minister tell us why the senior citizen home in Aylmer, which is partially solar heated, is being supplemented with demand electric heat which is the worst possible use of this high-grade energy form?

**Hon. J. A. Taylor:** Mr. Speaker, is the member asking me or telling me? I would suggest that one requires a backup system in any solar system for space heating today. It may be the member's view that electricity is not the most economic, but people may have differences of opinion.

**Mr. Reed:** Is the kind of liaison which would recommend the use of demand electric heat in projects of this nature indicative of the quality of information and recommendations that are going to these ministries?

**Hon. J. A. Taylor:** I think the hon. member should look into this a little further. One has to have a heating system or some backup type of heat if one expects to heat the premises with solar heating alone. Our technology in this country doesn't attain the point where we can be solely dependent on solar heating for space heating. It's a question of what type of backup system is most economic or most efficient in terms of cost and energy. If the member looks very closely at what has gone into that building, I think he'll conclude, as have the architects and engineers of that building, that the best system has been employed.

## OHC LAND SALES

**Mr. Breaugh:** Mr. Speaker, I have a question for the Minister of Housing. Would he give the House a report on how much money his ministry has made through land speculation so far this year?

**Hon. Mr. Rhodes:** Mr. Speaker, that's absolutely impossible. We're not speculating in land.

**Mr. Breaugh:** Supplementary, Mr. Speaker: Would the minister care to tell us how much money his ministry has taken in through the sale or disposal—or whatever term he would care to use—of property that he acquired for residential purposes some time ago and is now divesting himself of? How much money has he made?

**Hon. Mr. Rhodes:** Mr. Speaker, I'll be pleased to get that information and make it available to the hon. member.

## KOMOKA PROVINCIAL PARK

**Mr. Van Horne:** A question to the Minister of Natural Resources: Can the minister tell this House what moral commitment he or his ministry had to the owners of a 65-acre site in the proposed Komoka Provincial Park?

**Hon. F. S. Miller:** Mr. Speaker, I've been to no specific site. There were a number of statements made in terms of the acquisition of land for Komoka Park in three phases. The ministry, without question, had stated it wished to buy the land in that area and I'm sure that people have guided themselves accordingly. Within the last few weeks we have taken action to live up to our commitment on one particular piece. I'm told there currently is no other piece of land upon which a firm commitment has been made. I have promised that before too long I would be stating whether I wanted to go ahead with Komoka Park as originally planned or not.

**Mr. Van Horne:** Supplementary, Mr. Speaker: In the light of the conflicting dollar amounts reportedly having been spent, would the minister give this House a complete accounting of the moneys that have been spent on this proposed park site?

**Hon. F. S. Miller:** That I'd be pleased to do, Mr. Speaker. The latest acquisition is going to the Land Compensation Board, so all I could state is the amount of money we paid on closing, not the total amount that may be levied after an assessment of the properties made by the board.

## MAPLE PARK SITE

**Ms. Bryden:** Mr. Speaker, I have a question for the Premier. I understand a petition was presented on October 26 to the Lieutenant Governor in Council by the Maple Ratepayers' Association and an organization called A Sane Approach to Vaughan's Environment, asking for an environmental assessment of the proposal by a private company called Family Leisure Centres to locate a mammoth amusement park—

**Mr. Speaker:** I don't hear a question.

**Ms. Bryden:** —at the intersection of Highway 400 and Major Mackenzie Drive. I would like to ask the Premier if, in view of the fact that this project will bring up to 10,000 extra cars into the area, will use up prime agricultural land and so on—

**Hon. Mr. Kerr:** And 9,000 jobs.

**Some hon. members:** Question. Question.

**Ms. Bryden:** —and will likely require the outlay of taxpayers' money on widening Highway 400, will he tell us if he has replied to this petition, and if so, has he agreed to have an environmental assessment designation made for this project?

**Hon. Mr. Davis:** Mr. Speaker, I understand the matter is before the Ontario Municipal Board. I get the impression from the hon. member that she, I guess, along with her party, is opposed to a concept of this nature. I find that interesting and I won't pursue it any further—

**Mr. Breaugh:** We have been opposed to Mickey Mouse operations for some time.

**Hon. Mr. Davis:** —in light of the fact that we are seeking more tourist attractions, we're looking for more jobs and more economic growth. I take it as the policy of the New Democratic Party that they're not enthused about that sort of thing.

I can't tell the hon. member whether there has been a specific reply to the petition. A petition to cabinet really only emerges in terms of an appeal, if there is an appeal, from the Ontario Municipal Board. I will check out and see whether there has been any specific reply, but I understand it is before the board.

**Ms. Bryden:** Mr. Speaker, may I ask the Premier, does he not think the Environmental Assessment Act should apply to projects of this size, which may affect the quality of life of the whole province? It may be just that the location of Vaughan—

**Mr. Speaker:** The question has been asked.

**Hon. Mr. Davis:** Mr. Speaker, I'm not sure I heard all of the question.



Mr. Swart: You will only give half an answer anyway.

Hon. Mr. Davis: As I say, I will try to sense what the question was: Do you think a project of this kind is—

Mr. Speaker: The question was, should the Environmental Assessment Act apply.

Hon. Mr. Davis: Mr. Speaker, if I can answer that as briefly as I can, I believe it's a matter of zoning at this precise moment. The hon. member may find that from an environmental standpoint a leisure park such as Disney World or Disneyland is not in the best interests of the people of this province. But knowing some of her colleagues across the House who have attended both of those institutions, sometimes with their own families, I would think that she maybe should argue with them.

Mr. Lewis: I loved every minute of it.

Hon. Mr. Davis: Certainly. Your leader loved every minute of it. In fact, I think he enjoyed it more than his children.

REPORTS

STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following committee's report which was read as follows and adopted:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Government Services be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry Administration Program .....	\$ 4,277,500
Provision of Accommodation Program .....	175,481,000
Upkeep of Accommodation Program .....	60,673,000
Supply and Services Program ..	45,546,000
Management and Information Services Program .....	1,076,000

STANDING PROCEDURAL AFFAIRS COMMITTEE

Mr. Breaugh from the standing procedural affairs committee presented the committee's report which was read as follows and adopted:

Your committee has carefully examined the following applications for private Acts and finds the notices, as published in each case, sufficient:

- Township of Dover;
- County of Peterborough;
- Village of Port McNicoll;

- City of Sault Ste. Marie;
- Certain lands in the township of Casgrain;
- City of Ottawa;
- City of Toronto;
- Shore and Horwitz Construction Company Limited;
- Township of East Zorra-Tavistock.

INTRODUCTION OF BILLS

SANDWICH, WINDSOR AND AMHERSTBURG RAILWAY ACT

Hon. Mr. McKeough moved first reading of Bill 97, An Act respecting the Sandwich, Windsor and Amherstburg Railway.

Motion agreed to.

Hon. Mr. McKeough: Mr. Speaker, the effect of the bill is to change the name of the company that operates the public transportation in the city of Windsor from the Sandwich, Windsor and Amherstburg Railway to Transit Windsor.

MUNICIPAL ELECTIONS ACT

Hon. Mr. McKeough moved first reading of Bill 98, An Act to revise the Municipal Elections Act, 1972.

Motion agreed to.

INCOME TAX DISCOUNTERS ACT

Hon. Mr. Grossman moved first reading of Bill 99, An Act to regulate the Discounting of Income Tax Refunds.

Motion agreed to.

ENVIRONMENTAL ASSESSMENT AMENDMENT ACT

Mr. McGuigan moved first reading of Bill 100, An Act to amend the Environmental Assessment Act, 1975.

Motion agreed to.

Mr. McGuigan: Mr. Speaker, the purpose of the bill is to provide for legal and technical assistance to certain citizen groups in the preparation of written submissions and participation in proceedings before the Environmental Assessment Board.

[3:15]

SUDBURY YOUNG WOMEN'S CHRISTIAN ASSOCIATION ACT

Mr. Germa moved first reading of Bill Pr13, An Act respecting Sudbury Young Women's Christian Association.

Motion agreed to.

Mr. Germa: Mr. Speaker, the bill would grant permission to the municipality to allow

exemption from municipal and school taxes for YWCA properties, even despite the fact that they do not hold title to that property, and in fact are in rented accommodation.

**Mr. Speaker:** I am reminded that it isn't necessary to give an explanation of a private bill.

## ORDERS OF THE DAY

### JUDICATURE AMENDMENT ACT

House in committee of the whole on Bill 77, An Act to amend the Judicature Act.

Sections 1 and 2 agreed to.

On section 3:

**Mr. Lawlor:** Having to do with prime rates of interest as applicable to family law and family court problems, there is a notation supplied to us through the Attorney General's background material to this particular legislation. On page 27 under Policy No. 13, they say:

"It would appear inappropriate to award pre-judgement interest in the provincial court family division. The type of money judgements made in this court are with respect to maintenance under The Deserted Wives and Children's Maintenance Act. Similar principles would apply to the new support legislation." It goes on in that particular vein.

What I want to ask of the Attorney General is where in this legislation, or is it somewhere in the family court legislation, that specific exclusion of the prime rate of interest, or any rate of interest for that matter is awarded with respect to pre-judgement interest, and generally, with respect to damages? Is there an explicit exclusion of the family court setup?

**Hon. Mr. McMurtry:** No, there is not a specific exclusion, Mr. Chairman, and I would think that section 3(v) would not apply to family. First of all, it doesn't apply to family courts unless specifically incorporated by the family court legislation, so no sections of the Judicature Act would require any specific exemption unless the Act were incorporated in its entirety.

I don't have a copy of the family law reform legislation immediately at hand, but I don't recall anything in that legislation that refers specifically to the Judicature Act. I could be mistaken, but I don't recall anything. I am advised by my senior advisers that my recollection is correct.

**Mr. Lawlor:** In other words, the Attorney General and his senior advisers are satisfied that the necessary exclusion to which he

advertises in his notes has been made as this legislation passes through.

**Hon. Mr. McMurtry:** That's correct.

**Mr. Lawlor:** I have to bow to far more Delphic oracles than I have at my immediate disposal.

**Mr. Chairman:** Shall section 3 carry?

**Mr. Lawlor:** No. There are quite a number of things in section 3, if I may. We will go over special damages; a great deal could be said about them and the interest and how it is calculated in this particular area—all contained in page 16 of the notes.

Let us jump down to subsection 5, where it says: "Interest under this section shall not be awarded" in a number of instances, all of which make very good sense; clause (d) has to do with "pecuniary loss arising after the date of the judgement and that is identified by a finding of the court." Would the Attorney General care to decipher, à la Delphic oracle, the meaning of that particular clause?

**Hon. Mr. McMurtry:** I am just trying to think of part of a judgement that would deal with pecuniary loss arising after the date of the judgement, inasmuch as that section says "identified by a finding of the court." Perhaps again the oracles that are available will be able to assist me as to a judgement where that would have some specific practical application. I am having a little difficulty in thinking of where a judgement would refer to and identify a pecuniary loss that would arise after the date of the judgement.

**Mr. Lawlor:** Does it mean pain and suffering or loss of economic expectation?

**Hon. Mr. McMurtry:** It could apply to future loss of wages. For example, some judgements break down—and, of course, there is a large degree of discretion as to how a judgement is broken down. One trial judge may give an award for general damages which may include pain and suffering, future loss of wages, future medical expenses, et cetera, just as a lump sum. Certainly for many years the practice, as I recall and as the member for Lakeshore may recall too, was to lump under general damages anything to deal with pain and suffering or future pecuniary loss.

In recent years it has been my experience that trial judges in damages actions will specify a certain figure as representing an estimate of future loss of earnings; and interest would not run on such an award. I think that would be the most common example of where such interest would not



accrue on an award that is broken down and which includes a lump sum for estimated future loss of earnings.

**Mr. Lawlor:** In other words, what the Attorney General seems to be saying is, rather than a lump sum by way of an omnibus damage award, general and special, on which interest would then run, after this legislation comes into being counsel would certainly insist upon that second situation. It would become almost a rule of the court, I would take it, that the future economic loss would be designated and set forth as a separate item and would exclude interest. Would you think that would be the practice that would ensue?

**Hon. Mr. McMurtry:** Yes. In a large damage award there might be a very substantial sum awarded for future nursing care or hospital care. The recommendation is that where that type of specific loss is identified in relation to a pecuniary loss, as opposed to general damages, interest not be awarded under this section.

**Mr. Lawlor:** Just one other comment and that's all I have on this bill, section 5(f) does mention "where interest is payable by a right other than under this section." It's interesting for whoever consults the records of this House as to what was intended by that particular clause to mention that pre-judgement interest is now payable as of right in Ontario where it is provided by a contract or where a statute provides for the payment of interest, for instance, the Landlord and Tenant Act. Those are about the only two instances and these are specifically set out in the notes, where that particular section would become operative in the law.

Section 3 agreed to.

Sections 4 to 7, inclusive, agreed to.

On section 8:

**Mr. Chairman:** Hon. Mr. McMurtry moves that section 8(2) be amended by striking out clause (fa) and inserting in lieu thereof: "prescribing motions that need not be heard in open court."

**Mr. Lawlor:** What is the difference, pray, between "in private" and "not in open court?"

**Hon. Mr. McMurtry:** Apparently the rules committee was unhappy with our wording and has suggested this amendment which is not, as the explanatory note states, a change in substance. The effect of it, as the member for Lakeshore knows, is generally to eliminate this rather annoying confusion that is often caused by worrying about whether or not

you had to bring an application in chambers or in court.

What the rules committee wants to accomplish is all motions, say, in the Supreme Court, that are not heard or cannot be heard by the master, to be court motions. There are certain motions that the rules committee wants to designate as motions that need not be heard in open court. These rules have yet to be developed. One that comes to mind involves an application to declare somebody mentally incompetent, where it can be suggested that it is in the interest of the litigants not to require that the matter be heard in open court.

[3:30]

The motion would still be returnable as a court motion, generally speaking, but there would be a discretion on the trial judge to hear it not in open court or in private or in chambers. It's really, to some extent, a question of semantics. It's not a change in substance but is the effect of what the rules committee have recommended. I think that's as much of an explanation as I can give at this time, Mr. Chairman.

**Mr. Lawlor:** That is a commendable, rational and almost adequate explanation, Mr. Chairman.

**Mr. MacDonald:** Isn't that overwhelming? Motion agreed to.

Section 8, as amended, agreed to.

Sections 9 to 11, inclusive agreed to.

On sections 12 to 15:

**Mr. Chairman:** Hon. Mr. McMurtry moves that the bill be amended by renumbering sections 13, 14, and 15 as sections 14, 15 and 16, and by deleting section 12 and substituting therefor the following:

"12. The said Act is amended by adding thereto the following section: 1(14)(a): Notwithstanding the provisions of this or any other Act or regulation all motions and applications shall be heard in open court except as provided by the rules.

"13. Section 123 of the said Act is amended by inserting after 82 in the fourth line, '1(4)(a).'"

Motion agreed to.

Sections 12 to 16, inclusive, agreed to.

Bill 77, as amended, reported.

#### SMALL CLAIMS COURTS AMENDMENT ACT

House in committee on Bill 81, An Act to amend the Small Claims Courts Act.

Sections 1 and 2 agreed to.

On section 3:



**Mr. Lawlor:** Up until now, we have been acting fairly informally and off the cuff with respect to referees. These are gentlemen who seek to act as a conciliation court with respect to claims and debts owing by people, particularly individuals who owe numerous creditors. The business of trying to stretch a tiny bit of money over a large number of debts hardly warrants, in many cases, sending these individuals to bankruptcy although there is a bankruptcy federal court, bankruptcy being a federal matter, down on University Avenue to assist impecunious people and people who are hung up on large indebtedness. But it would be a shame to utilize their services if the debts are really, even in aggregate, quite small and simply have to be spread out. So the formal recognition and conferring of powers upon a referee is an advancement.

This Small Claims Courts Act is quite a thick document and requires a fair degree of searching, overall, in depth. And this particular legislation doesn't do it. But in this area, it's a move in the right direction.

**Hon. Mr. McMurtry:** Mr. Chairman, I'd just like to indicate my appreciation to the hon. member for Lakeshore for his appreciation of this office. It has served very well the citizens of this community. I certainly agree with him that the citizens of other communities should be given the benefit of this office, for the reasons outlined by the member for Lakeshore.

Section 3 agreed to.

On section 4:

**Ms. Bryden:** This section raises the monetary jurisdiction from \$400 to \$1,000, which is certainly long overdue. I cannot understand how the government took so long to bring in this amendment. We all know what inflation has done to economic matters, and this \$400 has become completely unrealistic in the last four or five years. All sorts of people who had legitimate claims beyond the \$400 were not able to get them adjudicated because of this limitation. I would like to ask the minister if he's given any consideration to putting some sort of an escalation clause into this, so that this monetary jurisdiction would go up as the cost of living goes up and there would therefore be more justice provided under this Act.

I have a second question of the minister. In view of the raising of the monetary jurisdiction there probably will be a great many more cases coming into the court. Has he made sufficient plans to increase the number of judges who will be handling these cases? I understand that particularly in the Metro and York areas there is tremendous conges-

tion in these courts—even with the \$400 limitation—and people have to wait three and four months to have their case heard. As we know, justice delayed is justice denied, so I think this is something the minister should be looking at.

**Hon. Mr. McMurtry:** So far as an escalation clause is concerned, it's my view that any change should be by way of an amendment to the Act. I think because of the importance of this figure, and the importance to all of the citizens in this province who may be affected by the jurisdiction of the small claims court, anything to change its jurisdiction should be done in this Legislature. Certainly one of our problems is going to be—and in this respect I recognize my own personal responsibility—to ensure that all of the citizens of this province, to the best of my ability, have knowledge of the increase from \$400 to \$1,000 so they will benefit by it. I would think to change that jurisdiction by any course other than in this chamber would be unwise.

With respect to the numbers of judges that will be required, I agree with the hon. member that there will be additional judges required, certainly in the municipality of Metropolitan Toronto. We are entertaining applications at the present time for such appointments. In most other areas of the province it is felt that as the county court judges already handle the small claims matter, it may not have the same sort of impact. But I can assure the members opposite that this is something to watch very carefully. I agree that the issue of accessibility to the courts at a reasonable cost is a fundamental right that should be accorded all citizens.

**Ms. Bryden:** With regard to whether the change in the monetary jurisdiction should be brought to this House or be automatically escalated, I think we have to recognize that in these days of legislative logjams, it appears to take six or seven years to get any consideration of a bill of this sort. I don't think, if the present inflation keeps on, that we can wait for six or seven years for another escalation if this \$1,000 becomes unrealistic in the next year or two. I just wonder if in view of the fact that we escalate or index income tax, and we index civil service pensions, why the litigants in small claims court should not also benefit from such adjustments which would bring them more fairness and justice in their pursuit of their litigation.

Just one other small point regarding the costs to the litigants: I notice that just this fall the ministry, by regulation, has raised the fees. Small claims court, as we all know, is intended to be for the person with very



limited means with small claims against other people. The raise is \$1 per each level of the schedule and the schedule depends on the amount of the claim. So at the lowest level it amounts to a 50 per cent increase and at the higher level to an increase from \$11 to \$12. I wonder whether that is a legitimate way to raise fees and if the minister could explain why it was done in this way?

**Hon. Mr. McMurtry:** Mr. Chairman, dealing with the first part of the member's comments, I feel that it would be very much against the interest of the citizens of this province to change the jurisdiction of any court by means of some escalation clause. I can't think of anything that would be less in the interests of people who wish to have access to this court.

In relation to the increase in the small claims fees, certainly it's been our experience that the small claims clerks across the province have had very grave difficulty functioning under the present fee structure. As a matter of fact, some of them have got themselves into serious financial difficulty. These small claims clerks are citizens who are, of course, not lawyers. They're for the most part what you would refer to as the ordinary person, little people from an economic standpoint who have had a great struggle to carry on under the present fee structure. I think the increase in the fees at the very least represents a minimal fairness to them. Certainly their economic return is very modest. I still think that the fee structure does provide access to the courts by the citizens of this province for a very modest and reasonable cost.

**Mr. Sterling:** My point is a fairly small one but perhaps it should be considered in any amendments to the Small Claims Courts Act in the future. Perhaps the Attorney General could entertain an amendment at this point to this particular section.

[3:45]

I believe that this Act should be written so that it would be understood by the general public and should not be written for lawyers alone. In this particular section there is one particular part, clause (b) to which I object; that is, an action of replevin is referred to in that clause.

In my legal experience, I have had the opportunity of bringing an action of replevin and, in consulting the other local members of the bar in the city of Ottawa, I found that many of them did not know what I was talking about when I consulted them about this particular type of action. I wonder if it would not be advisable to add after "any

action of replevin"—and I leave this entirely up to the Attorney General, because I have not spoken to him directly about this—"or action to recover a chattel or goods" and then continue on where the value of the property distrained, taken or detained : . ."

The other thing I object to is that this section probably will be referred to by the public on many occasions because it outlines the jurisdiction of the court; I wonder whether or not the public refer to bringing a lawsuit for an action and whether or not, in fact, that would create some kind of confusion also. I would suggest that the Attorney General also consider, where the bill refers to "any action," especially in clause (a), putting in "any action or lawsuit" as an alternative interpretation of what "action" means to the general public.

**Hon. Mr. McMurtry:** The concern expressed by the hon. member is a very understandable and justifiable one, namely that this being the people's court, we should make this legislation as understandable as possible.

What I'd like to do at this point in time, not just in relation to this section but to all sections, is give him my assurance that we are developing a handbook on the small claims court which will be published very shortly and in which we will attempt to assist the people who might have resort to this court to make it as understandable as possible, with full explanations of all this terminology. We would prefer to deal with it in that way for the present time, but certainly we would be quite happy to take into consideration the advisability of actually changing the legislation.

I don't agree with what has been said earlier, that this legislation cannot be changed in an expeditious fashion, in a matter of days, if it's the consensus of the majority of the members of this chamber. I'm obliged to have the member's views; they certainly will be reflected in the handbook that we are preparing and we will certainly consider them seriously with respect to any further amendments.

**Mr. Lawlor:** That was the most energy-laden piece of effrontery. "In days" did he say? I don't think I have to say any more. Just try to get some legislation through this House, even in several years now. I won't even refer to the particular legislation of which I'm thinking.

Section 4 agreed to.

Section 5 agreed to.

On section 6:

**Mr. Lawlor:** It's interesting that this has to do with that practice by major marketing

organizations—companies like the T. Eaton Company et cetera—who write into their contracts in excess of \$100 a clause saying that the place of payment will be the place at which action may be commenced. If they're selling goods elsewhere than in Toronto, nevertheless they invariably put in the contract that Toronto will be the place of trial.

One can see the enormous inconvenience. Many people, even if they had a legitimate defence, would throw in the towel at that particular point because of the inconvenience and expense of having to come to Toronto to have the case heard, whereas the goods were delivered and the contract was really consummated elsewhere. That section has existed in this law for well over 50 years now. It is one of the features, one of those not just pinpricks but quite irritating things—we will come to another in a few minutes—that have existed in this archaic legislation for an awful long time, largely arrogated to the benefit of large commercial enterprises. After 50 years the consumer and the purchaser, I trust, are going to get a bit of a break.

Section 6 agreed to.

On section 7:

**Mr. Lawlor:** Anyone who is acquainted with the courts at all is cognizant of the enormous panoply and intricacy of rules of evidence, of how hearsay rules operate and of the diversity of strictures as to what may be admitted and what is not admissible. It is a study and a lore all by itself, a lore which lawyers peculiarly preen themselves upon. A lot of the rules are irrational, their applications are arbitrary and they come down by way of an historical body.

The lawyer will tell you they all have their justification in the bosom of Abraham, but Abraham has been dead for a little while and even Sarah followed him.

With this in mind, in this particular, again at the people's court, one doesn't want to be hamstrung by all these asinine rules. We will one of these days in the fullness of time have an evidence Act brought before us. It is being worked at in a very elaborate way with the Law Reform Commission of Canada and we have a Law Reform Commission report. It is being looked at, sniffed at, left in a corner and once in a while taken home in a briefcase, but it will come to pass; I don't suppose it will help things a great deal. But this kind of thing does help things a great deal. It simply moves on into that whole area.

Just let me read the notes on it. "The rule that would become section 96(a) of the Act would be that any oral testimony, document or other thing, whether or not proven under oath, which is relevant to the issues being determined may be admitted by a judge. It is then for the judge to determine the weight to be given to the evidence. This is proving most useful in the determination of residential tenancy disputes under part IV of the Landlord and Tenant Act as amended in 1975."

There is no reason why people should be hung up under that particular kind of thing in that area. When they leave the courtroom and have not given certain evidence which they think is above the board and is perhaps crucial to their case, it leaves them with a bad taste in their mouth and even more than that. My basic feeling about rules of evidence is they ought by and large to be left to the discretion of judges who are competent to gauge the weight of testimony in these cases and in context to advise the jury as to what weight he thinks should be accorded to them.

Section 7 agreed to.

Sections 8 to 11, inclusive, agreed to.

On section 12:

**Mr. Lawlor:** The last part of 2(a) under section 12 says "but a judge may order." It talks about the rate of interest under a writ of execution, that is, a writ arising out of a judgement issued out of the Supreme Court. It says: "but a judge may order that no interest is payable in respect of money owing under a consolidation order which is not in default." A consolidation order is where a number of debts are brought together under a particular order and allocation made for those debts. In many cases, particularly in dealing with finance companies and their debts, and with the increase in the interest rate that's going to take place under this legislation and under the Judicature Act, certainly before judgement they should come to issuance of the writ.

The poor devils can never get out of the slough of despond because the interest is so cumulative that regardless of whatever moneys they have at their disposal, the interest runs well ahead of them. The debt gets larger and larger and they pay and pay and pay. It's what is ruining the country of India in terms of their money lenders. It has been very often the ruin of the poor in this province and country also.

It says here that when you get to the point of a consolidation order, as long as you are paying, the interest will not further



accrue. That's a great move forward and should be extended in principle.

Section 12 agreed to.

Sections 13 to 15, inclusive, agreed to.

On section 16:

**Mr. Lawlor:** If the Attorney General of this province has an extra member of ministry personnel—I won't recommend Larry McLaughlin, he's too nice a fellow—but somebody who didn't have anything to do this afternoon, could he just run out to the front lawn of the building here and run up the flag far higher than half mast—say, seven-eighths mast or something—because this section deserves it and there should be some external sign of our internal condition?

It's like a sacrament. Up until this time in history, one of the most iniquitous procedures embodied in that particular piece of legislation, which is nowhere else in the law, it is unheard of, is that you can go and garnishee a man's salary or you can garnishee his bank account or you can seize any money that you happen to know the whereabouts of, even if it's under the bed, without issuing a writ, without having made an adjudication of the legitimacy of the debt itself as to the merits of it, whether it is really owing, whether there's a defence, whether it is only partially owing or what not. You get hit right between the eyes and do they ever take advantage of it.

The legislation being brought before us is saying, "That piece of iniquity is going to be knocked out. If you want your garnishments, you are going to get them after you have legitimized them, after you have proven that the money is really owing."

Why the old legislation has existed so long I don't know. Certainly the complaint has been raised a number of times in this House and very often comes into our constituency office. A man very often loses his job because of it.

I think I have said enough. If there were only this one section being passed this afternoon, the alleviation it would give to a lot of people out there would be very great indeed. This would make the whole thing worthwhile.

Section 16 agreed to.

Sections 17 and 18 agreed to.

On section 19:

**Mr. Lawlor:** We have been doing this in legislation over the past couple of years, this business of having affidavits signed in the same law firm. Now that we are passing the legislation, you question yourself as to why it was the other way.

I want to ask the Attorney General: Was it felt that in a firm of solicitors, somehow or other there was a laxity? If you had your partners swear your affidavit, you didn't have to be quite so truthful? Was something like that operative? Why was there this ban against the swearing? You had to take the affidavit down the hall to the competitive firm, which you didn't wish even to speak to, in order to have your affidavit sworn. But now this is being obviated.

[4:00]

**Hon. Mr. McMurtry:** That's quite an interesting observation by the member for Lakeshore. It certainly was a bit of an aggravation at the best of times.

I suppose the reason for the law as it previously existed was the thought that the swearing of an affidavit was something that should be done by someone who was impartial, someone who had no association with the litigation, and, therefore, somebody outside the law firm. I think that fact—plus the fact that an affidavit being sworn outside the office would, to a greater extent, bring home to the deponent the importance of the swearing of the affidavit—justified the law to some extent as it existed until the present time. But I think we are finally recognizing in this legislation that people who administer oaths, so far as the taking of affidavits is concerned, really are officers of the court. Because they are within a particular law firm, doesn't mean that carriage of this legislation should in any way affect their responsibility in this respect.

Section 19 agreed to.

Sections 20 to 23, inclusive, agreed to.

Bill 81 reported.

## MUNICIPAL AMENDMENT ACT

House in committee on Bill 40, An Act to amend the Municipal Act.

Section 1 agreed to.

On section 2:

**Mr. Chairman:** Mr. Ashe moves that the bill be amended by adding thereto the following new section:

"2. Said Act is amended by adding thereto the following section: 47(1). In the event that the council of any municipality or a local board thereof is unable for a period of two months to hold a meeting of the council or of the local board because of failure to obtain a quorum, the minister may by order declare the seats of the members of the council or local board to be vacant, and a new election shall be held in accordance with the provisions of the Municipal Elections Act, 1977.

"(2) In the event that the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with the Municipal Elections Act, 1977, and the members so elected have taken office."

And that the sections of the bill that follow shall be renumbered accordingly.

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 to 5, inclusive, agreed to.

On section 6:

**Mr. Chairman:** Mr. Ashe moves that section 6 be amended to read as follows:

"Section 388 of the said Act is repealed and the following substituted therefor:

"388(1): The council of a municipality may pass bylaws,

"(a) for paying the members of council for attendance at meetings of council or of its committees such per diem rate as the council may determine;

"(b) for paying the members of council such per diem rate as council may determine for attendance when such attendance is authorized by resolution of council at meetings or at any place, whether held or located within or outside the boundaries of the municipality, other than meetings of any body in respect of which the members of council are paid remuneration pursuant to clause (a) or pursuant to any other provisions of this Act or any other general or special Act.

"1. A bylaw passed pursuant to this clause may define a class or classes of meetings or attendances at a place in respect of which a per diem rate may be paid and may authorize payment of a per diem rate, only in respect of such class or classes of meetings or attendances.

"2. For the purpose of this clause 'attendance at meetings' includes attendance by a member of council at any place to meet with one or more other persons for the purpose of pursuing any matter in the interests of the municipality; and 'attendance at any place' means attendance by a member of council at a place for the purpose of pursuing any matter in the interests of the municipality, whether or not any other person is present at such place.

"(2) Where a member of a council is paid remuneration under sections 205, 211 or 389, such member is not entitled to payment under this section for attendance at meetings or at

a place referred to in clauses (a) or (b) of subsection 1.

"(3) In the case of a council of a county or a township, a bylaw passed pursuant to clause (a) or (b) of subsection 1 may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings or at such place.

"(4) The head of the council of a municipality may be paid for his services as a member of any public utility commission the same per diem rate as is determined by the council under clause (d) of subsection 1.

Motion agreed to.

Section 6, as amended, agreed to.

On section 7:

**Mr. Chairman:** Mr. Swart moves that section 7 be amended by deleting the following words in the sixth line of the amendment to subsection 1 of section 455; "for any period not exceeding five years," so that the subsection will read:

"455(1) "The council of every municipality may pass bylaws for purchasing, conditionally or otherwise, or for renting for a term of years or otherwise, machinery and appliances for the purposes of the corporation and for borrowing money for the purpose of paying the purchase price; and for issuing debentures for the money so borrowed; or for issuing to the vendor debentures in payment of the purchase money."

Mr. Swart further moves that subsection 2 of 455 as it appears in section 7 be deleted; and that the figure "1" after the number "455" be deleted.

**Mr. Swart:** Section 455 of the present Municipal Act does two things. First of all, it permits purchase or rental of machinery and appliances by a municipality, and borrowing the money to pay for them. Secondly, it limits the period of repayment to five years—and that is all that section 455 does.

The amendment which we have before us in Bill 40—and I'll read the explanatory notes attached thereto—states that the effect of the re-enactment is to extend from five years to 10 years the period over which moneys borrowed for the purpose of road making machinery may be repaid.

What that leaves in the bill is that subsection 1 of the bill now makes it permissive for a municipality to purchase appliances for their use but the term of repayment must be not longer than five years. For road machinery the period of repayment may be 10 years. I want to make it clear this is



permissive legislation for the purchase of the appliances and the machinery.

My amendment to section 7 does two things: One, it removes the five-year limitation on repayment for appliances; second, it removes subsection 2 which is redundant because it is covered in another section of the Act which I will mention a little more fully in a minute.

I don't say this is the most important piece of municipal legislation to come before this House, but to me, there is at least one rather important principle involved. And that principle is we are telling municipalities, by Bill 40, which we have before us, how long they may debenture for appliances. In this age of sophistication, I suggest first of all, it is unrealistic to set a limit of five years on the repayment and, second, it is a very paternal attitude towards the municipalities.

As I mentioned in second reading of this bill, many municipalities now have comprehensive, composite, money bylaws where they purchase a large number of different types of things including appliances and then issue debentures to cover those accumulated purchases. If some relatively small appliance is attached to a debenture for some large expenditure then there is probably good reason for that debenture to be more than five years. In fact, it makes them issue two debentures or perhaps three or four debentures, when one would be good enough. But more than that, I suggest to the parliamentary assistant and to the Treasurer, other sections of the Act very adequately cover this protection, if you wish to call it that, so a municipality doesn't go out on a limb, go too far in debt and spread payments for small items over too long a period of time. Subsection 2 is almost exactly identical to part of section 288 of the Act and therefore I say it is redundant and should not be left in.

I want to say with regard to section 288 of the Act and the comments made by the parliamentary assistant in second reading that he is wrong in saying there is a fundamental difference between section 288 and section 7 of this bill.

I would like to read back what he said at the time of second reading on November 1. He says, "I find it somewhat inconsistent, and the hon. member for Welland-Thorold agrees. Specifically identifying a period of time, as in section 288, of 10 years, is somewhat inconsistent and then saying, under section 455, there should be no time period referred to at all, is somewhat inconsistent."

I want to say that there is a time period referred to under section 288.

[4:15]

The member for Durham West continued: "We think there should be some relevance and some fiscal and some financial responsibility that is identified in that particular section. On the actual differences in the sections, albeit they are referring to road-making equipment and appliances, section 455 also deals with lease purchase arrangements which are not dealt with in section 288."—I suggest that that statement is wrong; 288 covers any type of debt and I will read it in just a moment—"So, although they do refer to road-making equipment in its broadest sense, section 455 goes into an area that is not referred to in section 288. Therefore, the point made by the hon. member for Welland-Thorold that section 288 would in fact apply in the reference of 10 years, we do not feel that that is so. Hence, we feel that the proposal for the amendment to section 455 as proposed should be, and hopefully will be, passed by this august body."

The only difference between section 288 and section 455 if you read them is that 455 provides permissive authority to councils to buy this equipment. But if you're dealing with the period of repayment it is identical with section 288. It covers identically the same things as section 288. I would like to read section 288 which is already in the Act and not proposed to change.

It starts off by saying, "A money bylaw." Now let me give you the definition of a money bylaw. A money bylaw under the new definition means "a bylaw for contracting a debt or obligation or for borrowing money other than a bylaw passed under section 332." As you know, section 332 just deals with current borrowing; it doesn't deal with debentures or long-term debts. So that definition of a money bylaw certainly covers any agreement for rental.

Section 288: "A money bylaw shall provide the whole debt and the debentures, if any, to be issued therefor, shall be made payable within the respective periods hereinafter mentioned at furthest from the time the debentures are issued. If a debt is for railways, harbour works or improvements, gas or water-works or purchase of improvement of parks, or erection of secondary or public schools, houses, public hospitals and the buying of land therefor, or for electric light, heat or power works or water privileges or land use in connection therewith, or for acquiring land for a drill shed or armoury, in 30 years." That may be the maximum.



Then clause (d): "if a debt is for the establishment of a system of public scavenging or the collection and disposal of ashes, refuse and garbage, in 20 years maximum. If the debt is for the purposes of road-making machinery and appliances, in 10 years." That covers section 7 of this Act, in limiting the length of term of the debentures to cover road-making machinery.

Then the final clause there: "if the debt is for any other purpose in such term of years as the Municipal Board may approve." The whole purpose of the Municipal Board is for protection that municipalities do not go too far in debt or do not spread debenture payments over too long a term, if it's only for a small thing.

But then we come along in this section and are saying to the municipalities, "For the purchases of appliances we're only going to permit you to issue debentures for five years." Surely that overall section of the Act is adequate and we don't have to write in here that we're only going to permit them five years. And surely section 2 of the Act, which deals with the length of term of debentures or borrowing for road machinery and appliances, is adequately covered in section 288 of the Act.

I just say to the member for Durham West—and I think correctly so—that my amendment on behalf of my party will still authorize municipalities to make expenditures for those things for which they have been able to make expenditures. It will limit the debenture term for road machinery to 10 years and the other appliances which a municipality may buy will be subject to the terms as the Municipal Board may approve. I suggest to you that is adequate and, if we have any faith in municipalities at all, we shouldn't be putting a five-year limit in this bill.

**Mr. Ashe:** I appreciate responding to the comments of the hon. member for Welland-Thorold. I don't agree with all the conclusions he has reached. Some of them can be challenged and can be argued back and forth, particularly when he speaks of paternalism. I would think the fact that this particular amendment is before this committee is paternalism in itself. The amendments in Bill 40 received circulation to all municipalities and municipal organizations. Not one, Mr. Chairman, I point out to you, responded that it had any negative reaction to this particular section in the amending bill.

If they are so competent, and I agree they are, and if they can think for themselves, and I agree most of them can, then I would suggest that the hon. member for Welland-

Thorold isn't giving them that credit of being able to think for themselves. I point out again not one of them suggested this particular amendment. They obviously were not turned off by the guidelines—and they are that; maximum periods of time—that are suggested in this particular section.

I also disagree that there is an exact duplication between section 288 and section 455. If you carry along this paternalism bit, I feel it very difficult to come up with the conclusion of why, when section 288 was amended a year or so ago, it received approval. At that time, there was a change in the maximum period for a debenture, recognizing the increased cost for road-making equipment and so on, from five to 10 years. At that time, it's my understanding that amendment passed with no problem at all and no particular adverse comments from that side of the House.

Again I find some inconsistency there. More importantly, there is reference in section 288, as pointed out by the hon. member, that the Municipal Board can determine an appropriate period of time for all other periods of borrowing that are not particularly and specifically referred to in that section. We all talk about in many ways and in many forums that we are trying to take away some of the time-consuming problems and more minor items that sometimes have to be arbitrated by the OMB. I would suggest that what is being talked about here and recommended by the hon. member for Welland-Thorold is exactly putting more implications and more decision-making, albeit of a minor nature, on the Ontario Municipal Board.

**Mr. Swart:** Maybe that's why places like Georgina township have bypassed the Municipal Board.

**Mr. Ashe:** I don't think that that's a particularly valid suggestion, albeit it is referred to in section 288. Also the interpretation that we have of conditional sales, option sales and so on are more adequately referred to in section 455 because they are not referred to at all in section 288, although I suppose you can argue, as the hon. member for Welland-Thorold has, that the particular description of a money bylaw adequately covers it. We suggest again why leave it at having to hunt around in various sections? Why not say something specifically? I don't think there's any problem in repeating once again in section 2 the reference to road-making machinery or appliances.

I don't think it's a very valid argument to suggest that municipalities put together many small items and issue one debenture. That's a common statement of fact that I'm not chal-



lenging in itself, but the particular reference is that many appliances can be very small and of nominal value. I agree they can, but if you're talking of hundreds or even thousands of dollars, I would suggest that municipalities wouldn't even be contemplating the accumulation of these small items and putting them together with other borrowing situations because they're going to pay for them in their cash flow in that particular current fiscal year or they're going to have other reserve funds for replacement of that kind of equipment. I don't think that's a valid argument.

I would hope that the committee will see fit to leave the particular section as it is proposed. There is a rationale behind it. There is, more importantly, consistency behind it. If in another section of this same bill, we're making a reference to 10 years, I feel section 455 should be consistent with that and not leave it to someone's devices to have to refer back to another section. Many municipal people could look at section 455 as it is being proposed and conclude, very rightly, that other than certain appliances, the sky is the limit, and forget that there is even a section 288 in that same Act.

With those various points in mind, I hope that the committee will defeat this proposed amendment and go with section 7 as it is proposed in the bill.

**Mr. Epp:** Mr. Chairman, it's our feeling that this section should stay the way it is. Taking into consideration the remarks that the member for Welland-Thorold has made, that there's a basic principle at stake here with respect to limiting it to five years, it's my feeling that if we are going to deal with principle here, we should deal with both section 455(1) and section 455(2), because if we're not going to limit the one then we shouldn't limit the other one. We feel that we should be consistent with what's gone on in the past with the wishes of the municipalities in this matter and leave the section intact.

[5:00]

The committee divided on Mr. Swart's amendment to section 7, which was negatived on the following vote:

Ayes 26, nays 71.

Section 7 agreed to.

Sections 8 to 11, inclusive, agreed to.

Bill 40, as amended, reported.

On motion by Hon. Mr. Welch, the committee reported two bills with amendments and one bill without.

### THIRD READINGS

The following bills were given third reading on motion:

Bill 40, An Act to amend the Municipal Act.

Bill 77, An Act to amend the Judicature Act.

Bill 81, An Act to amend the Small Claims Courts Act.

### TOPSOIL PRESERVATION ACT

Mr. McNeil, in the absence of Hon. W. Newman, moved second reading of Bill 72.

**Mr. Speaker:** Does the parliamentary assistant have a statement?

**Mr. Nixon:** Okay, Ronnie, this is it.

**An hon. member:** Sock it to him, Ron.

**Mr. Speaker:** Order.

**Mr. McNeil:** Mr. Speaker, the general purpose and intent of the bill is to provide enabling legislation to permit municipalities to pass laws regulating and prohibiting the removal of topsoil.

I would like to briefly deal with the kind of powers this bill provides. It is permissive, so a municipality may choose the provisions which it sees fit, and provides flexibility for the municipality to draft bylaws to meet local conditions.

The powers provided are for a general power to regulate or prohibit the removal of topsoil which may be authorized by the entire municipality or a defined area of the municipality. It gives municipalities power to provide for the issuing and renewing of permits for the removal of topsoil and a corresponding power to provide for refusal to issue and to renew such permits; and the grounds for any of these actions may be spelled out in the bylaw.

It also provides a general power to prohibit the removal of topsoil without a permit and a general power to require the rehabilitation of lands from which the topsoil has been removed.

Powers are also included to prescribe the standards and the procedures for rehabilitation that must be followed. There is a general power included to exempt lands or persons from the bylaw. There are a number of exemptions in the bill, such as normal agricultural practices which are exempted in any bylaw. This particularly includes topsoil removal when it is an incidental part of such agricultural activities as sod farming, greenhouse operations and nurseries.

Drainage operations under the Drainage Act or The Tile Drainage Act are exempted,

as is the removal of topsoil in connection with operations authorized under the Pits and Quarries Control Act. In the same fashion, operations under the Mining Act are excluded in that they could be controlled under the present conditions of issuing permits under these acts.

The removal of topsoil by Crown agencies and Ontario Hydro is exempt. The clause also prevents a bylaw of a local municipality from interfering with topsoil removal by a county or a regional municipality.

Operations under the Ontario Energy Board Act, as well as underground services, for example Bell Telephone, Hydro and water are exempted. In the case of the latter three, the exemption is conditional on the topsoil being removed and then held for subsequent replacement. It also provides a provision that any minor operation, in this particular case less than five cubic meters, equivalent to an ordinary truckload, in a three-month period, is also exempt.

In terms of enforcement procedures under the Act, part XXI of the Municipal Act applies to this so that those same types of provisions in the Municipal Act can be used to enforce the bylaws and pass fines.

**Mr. Riddell:** Thank you, Mr. Speaker. The introduction of this bill is further indication of the speed at which this government moves on an important matter such as the indiscriminate mining of our natural resources. I think the member for Elgin can testify to the speed at which this government moves, because it took the Premier (Mr. Davis) 18 years to realize the member for Elgin had ministerial potential.

For the past three or four years municipalities have expressed concern that topsoil removal is a major problem and should be controlled. I vaguely recalled an article which appeared in the Toronto Star, in 1975 I believe it was, and with the assistance of caucus research I was able to obtain that article.

The article was entitled, "Topsoil Being Rustled in Ontario." I want to read a small portion of that article.

"The mishandling of topsoil, particularly in construction and agriculture, has become one of the latest worries of scientists and politicians." Although I sometimes wonder how many politicians have become very concerned about the removal of topsoil. To continue:

"Increasingly, I feel laws must be enacted to preserve topsoil use," said University of Guelph resource scientist Richard Rick Richards.

"Soil erosion was the number one problem in Ontario before land management was introduced, Richards said, and without wise

management practices it is possible to foresee that soil erosion could become a problem again.

"Susan Singh, associate director of the food land section of the Ontario Ministry of Agriculture, has called land management the next frontier in pollution control of the Great Lakes which are threatened by run-offs from pesticides and fertilizers.

"Howard Henry, associate director of the soils and crops branch of the agricultural ministry, said: 'Valuable topsoil is too frequently buried in the construction of roads and buildings'."

**Mr. Nixon:** By the way, that's George Henry's grandson.

**Mr. Riddell:** "He said legislation drafted, but not yet presented to the Legislature, will seek to enforce the efficient use of topsoil in much the same way as the Pits and Quarries Act. That Act polices gravel pit operators who must return topsoil to the rehabilitated sites of worked-out gravel pits."

Now it's interesting to note from this article that legislation was drafted two years ago which would govern the use of topsoil in much the same way as the Pits and Quarries Act. Now that Act did not pass the onus to the municipalities for the policing of gravel pits and gravel pit operators to ensure rehabilitation of the site after the aggregate is mined, but rather the onus was placed, and rightfully so, on the provincial government.

While this government has seen fit to make the preservation of topsoil a municipal responsibility, and inasmuch as I believe that municipalities by and large meet their obligations responsibly, I can however foresee some municipalities giving this matter just a passing glance. So can we assume, then, that this government will be prepared to legislate topsoil use if the municipalities do not pass bylaws to control soil stripping in their own municipalities?

I am also concerned about the exemptions under this Act. A bylaw passed by a municipality does not apply to the removal of topsoil by a Crown agency or Ontario Hydro. Surely Ontario Hydro or some other Crown agency should not be given special rights to mine topsoil.

The day may well come when much of the land devoured by Ontario Hydro or other Crown agencies will have to be put back into production, and I would hope that the topsoil would be in close proximity to the place or origin so that it could be used once again for agricultural purposes.

The same can be said for soil that's removed along Hydro corridors and trans-



Canada pipelines, yet the exemption is made for the removal of topsoil as an incidental part of any construction for which leave to construct has been granted pursuant to the Ontario Energy Board Act; so I am assuming the government is taking into consideration such things as Hydro corridors, pipelines, et cetera. I just don't feel that Crown corporations and Ontario Hydro should be allowed to go merrily on their way without some kind of control by this government.

[5:15]

I wasn't too sure about the intent of section 2(2)(i): "The removal of topsoil"—this is another exemption—"The removal of topsoil where the quantity of topsoil removed in any one lot does not in any consecutive three-month period exceed five cubic metres."

I suppose this provides some flexibility so that farmers, or other people, may be able to remove topsoil if they wish to put in a swimming pool or if they wish to dig a basement under their house. Maybe the minister can help me to understand this clause a little better, but am I to assume that at the end of each three-month period that the owner of a lot could mine five cubic metres of topsoil? Now that's not a great deal, it may be a truckload of topsoil, but depending on the size of the lot, I could see where over a period of years much of that topsoil could be mined. If it is just to provide some flexibility so that a person may dig a swimming pool on his lot, then I can see the purpose of that particular clause. Maybe there will be further clarification in the response from the ministry.

So certainly we are going to support the bill; but again I am just wondering if it should not be a provincial responsibility and not one that's passed off to the municipality, because I can see where one municipality could perhaps pass a bylaw and the adjacent municipality may not consider it that important, in which case topsoil could be mined and there would be no way of policing or controlling it. I do look forward to the response from the ministry.

**Mr. MacDonald:** The case has been put by the hon. member for Middlesex and most of what I have to say is a reiteration of it, but let me reiterate a bit.

The government apparently has become persuaded that topsoil has to be preserved in this province, and that's good. If people driving around the highways in the province of Ontario were impressed, puzzled or concerned at seeing these monstrous trucks carrying tons of sod into the cities, representing

the mining of prime agricultural land—pardon?

**Mr. Nixon:** That's not topsoil, sod trucks?

**Mr. MacDonald:** The sod truck is mining some of the topsoil.

**Mr. Nixon:** That is not controlled by this to a great extent.

**Mr. MacDonald:** Of course it can be controlled by this.

**Mr. Nixon:** No.

**Mr. Riddell:** Sod farming is exempt under this.

**Mr. MacDonald:** Sod farming is exempted under this? Well that makes it even worse.

**Mr. Eaton:** Here we go.

**Mr. MacDonald:** Pardon?

**Mr. Nixon:** We are going to have a division again, he is going to work himself up.

**Mr. MacDonald:** My point was simply that the government has finally woken up to the fact that something must be done to protect topsoil, whether it be topsoil extracted as topsoil, or whether it be, as it is now pointed out to me, the topsoil involved in sod farming.

But having come to that decision, the next question is why do you come in with a half measure? Because that is what this bill is, a half measure. The bill is permissive, therefore it permits a municipality to move if its officials become sufficiently apprised of the problem. But other municipalities, that either have looked at the problem and sloughed it off or have not even bothered looking at the problem, can continue to go on their merry way and the mining continues.

As was pointed out by the hon. member who has just spoken, other legislation passed by this government to preserve resources has usually made provincial authorities responsible; but here you haven't the courage to move at the provincial level, you come in with just permissive legislation. The net result is that in many municipalities in this province, indeed in many instances the municipalities that most need the protection of a bylaw to avoid topsoil mining or the mining of our prime agricultural lands, local authorities are not going to move. That's at best, a half measure.

The second point, that clearly has already been enunciated and I reiterate it, is the list of exemptions. One wonders, sometimes, what are the thought processes of this government. You bring in an Act which lays down rules that must be lived up to; then you bring in exemptions that permit the public utilities, or the most powerful people,

to be able to breach the Act by having an exemption, in this instance the exemption being right in the Act itself.

Just by way of an aside, you have it in the Environmental Assessment Act. You bring in an Act that says every project must be assessed for its environmental impact, and then the biggest single project that this province will have to face, in Darlington, is exempted.

Here you have a list of exemptions, the net impact of which, quite frankly, is inestimable. I don't know really what value the Act is going to be, even in terms of the municipalities that may pass the bylaws, because of such a significant list of exemptions. The thing that is the most disturbing of all is why, for example Crown agencies, Ontario Hydro or public utilities of one kind or another, whether they're publicly or privately-owned, should be exempt under this Act from the mining of prime agricultural land? I'd be interested to hear, from the parliamentary assistant, the government's explanation.

However, I conclude in essentially the same way as the spokesman for the Liberal Party concluded; at least this empowers those municipalities which have become apprised of the problem and want the authority to cope with it to be able to cope legally with it. Whether they're going to cope adequately we'll have to see, that will depend on an assessment of the impact of all of the exemptions.

Half a loaf is better than none. It's a step in the right direction, and the bill should be supported for that reason; but it is a woefully inadequate and typical kind of bill that we expect from this government.

**Mr. Hall:** I want to speak briefly in support of this bill. Municipalities in my area have been wanting to stop certain practices that have been going on for several years. They have tried very hard to find any legislation that would assist them in their concern for preservation of local topsoil, but the province has been found wanting, up until now, in providing the authority they need.

I, too, am concerned about the list of exclusions, and I'll touch on that in a minute. The Ministry of Transportation and Communications, when installing service roads and interchanges in the Niagara Peninsula, in my view bought topsoil for its needs around such interchanges, for sodding and seeding, without any concern for the source of the material.

I know from personal experience of one first class peach orchard that was completely levelled, and the soil from it has now been buried under the Queen Elizabeth Way; not in the pavement section, I don't mean to imply that. It seems to me that ministry set a poor example. There's the question of responsibility to the general public, if the government of the province has not been concerned it's rather hard to expect others to be concerned.

I am interested to hear from the proponent of the bill why the counties and regions are exempted, along with the other agencies. If the municipality is expected to be responsible, I can't understand why their actions shouldn't be respected and supported by the counties and regions involved. Unless the parliamentary assistant was talking about merely rights of ways controlled by counties and regions, then I would like to have a further explanation. If that is the case, it makes sense. I hope he'll respond on this point.

**Mr. Germa:** I think I understand that the intent of the bill is so that people cannot destroy the prime agricultural land by transporting top soil out of that area so that large acreages in Ontario then would not be productive. I think it will also have the effect of forcing developers to take care or precautions when they are doing their development to preserve the topsoil which they have, and not churn it under with bulldozers so that that topsoil is buried under clay or some other substance. The point I want to make is related to my riding. My riding seems to be unique inasmuch as almost everything that happens in the province of Ontario does not apply to my riding.

I think most members of this House know that the city of Sudbury 25 years ago was totally denuded of topsoil. That came about, Mr. Speaker, as a result of cutting timber without replacement. Following that process the introduction of mining and smelting produced poisonous sulphur dioxide fumes which prevented the forest from coming back to preserve the topsoil. Consequently, over a period of 20 or 25 years all topsoil was eroded and washed away—I know where it is, by the way. The point of the matter is that the whole city of Sudbury was in fact rock and clay.

**Mr. Mancini:** Where is it, Bud?

**Mr. Germa:** If this law had been in effect at that point in time the very lot on which my house sits could not have a lawn, nor could any of my neighbours have a lawn, because every cubic yard of topsoil in the city



of Sudbury had to be transported in from some other area.

I think it is a question for the minister to respond to. Here you have a unique situation, where the topsoil has been denuded for one reason or another.

I think it is beneficial to us in the city of Sudbury that we were able to transport in topsoil, and at least have a couple of trees, a few blades of grass. Even to this day we have continually to replenish the topsoil on our lawns because the topsoil is not natural there.

Everybody, of course, understands the expense involved. All a person puts in to grow his lawn is probably three inches of topsoil, he uses it very sparingly, but because the growth is not such that it retains the topsoil it is gradually eroded away. I would say every 10 or 15 years everybody in the city, in my riding, has to go someplace and buy more truck loads of topsoil to keep his lawn going.

I don't know just what we are going to do if the regional municipality of Sudbury passes a bylaw which will prevent the removal of topsoil from any place. In 20 years we are going to be back where we were—with not one blade of grass left, not one tree; or not even a carrot in Sudbury. Some people bring in topsoil to run their little backyard garden. Without permission and the right to bring topsoil in you are just going to create another back-of-the-moon situation.

**Mr. Mancini:** I rise to speak on Bill 72. May I also add my congratulations to the member for Elgin, who I am sure will carry out his responsibilities in a very fine manner.

I would like to say that I am very concerned about some portions of the bill. I am extremely pleased to see in section 2(e) state that the local municipalities have the authority to pass regulations and bylaws for the rehabilitation of agricultural land.

In my riding, where we have extensive mining and open pit quarries, we've seen many areas of our landscape put in pretty ugly-looking shape; now I know that the municipalities will have the power to have those areas put back into the condition they once were.

As the member for Elgin well knows Essex South is a very fine agricultural community. I see under exemptions that sod farming and greenhouse operations will not come into this Act. I am pleased for that part of the bill because, as the member for Elgin knows we have 90 per cent of all the greenhouse industry in the province of Ontario in our riding.

Since I am speaking about greenhouses, I want the member for Elgin to bring back to

the Minister of Agriculture and Food the thought that if he doesn't get off his rear and do something for the greenhouse industry we're going to lose it. That's just an aside.

[5:30]

**Mr. Riddell:** You know what they are doing, they are going to put one up at Douglas Point.

**Mr. Mancini:** Secondly, I'd like to speak about another exemption that I'm extremely disappointed with. If the member for Elgin can do anything about this exemption, I would urge him to speak with his cabinet colleagues to see if this can be changed in the future.

I don't understand how the members on that side of the House, every time we have an important piece of legislation that puts regulations on most of the people of Ontario exempt Ontario Hydro. I don't understand for one minute why the biggest spender of the province, the biggest contractor in the province, an agency which has a very tarnished reputation, is always exempted. Why do you keep exempting Hydro? That's a very fundamental question. Why do you exempt that agency? Why should they not come under the same scrutiny as others? What have they done to deserve special status? Why should the ordinary person of Ontario feel there are laws for him and not for this government agency or others?

I find it very difficult to support this part of the bill. I just wish it wasn't there. I say to the member for Elgin that if there is anything he can do to possibly change it in the future this would be a feather in his cap.

**Mr. Haggerty:** I'm pleased to see the government has finally brought in this type of legislation, an Act to Preserve the Topsoil of Ontario. I can recall a number of years ago that I asked the Ministry of Treasury and Economics to bring it under control through the Planning Act. We must have some regulation to control the removal of topsoil in Ontario.

I, like the other members who have spoken previously, am concerned about the areas in the Act that permits the exemptions. There are a number of areas, there must be about seven or eight of them concerning the Ontario Energy Board for example, that shouldn't have the exemptions under this Act.

If you look at the utilities, such as the gas utility industry going along the countryside and the roads putting in new pipelines, they certainly do a lot of damage to the soil in the area. Perhaps this ground should be conserved. Perhaps much of it could be put into a soil bank within a municipality, as the



member for Sudbury (Mr. Germa) suggested. They need topsoil in the Sudbury area to have grass around their homes, which sometimes has to be replaced due to erosion that takes place in the area.

I notice under the Mining Act that there are also exemptions; I suppose that comes under the Pits and Quarries Control Act too. I can cite a particular industry under the Pits and Quarries Act, Port Colborne Quarries, which has conserved topsoil and used it to quite an extent in a rehabilitation program, which has made a vast improvement around its quarry, so much of the extra subsoil can be used.

I know when I first moved to Sherkston it was a habit of certain businessmen in that area to go out and strip 25, 30, and even 50 acres of excellent soil; which was then left to grow up into weeds, that's about what has remained. I'm not aware of any provisions here for rehabilitation of the land that has been stripped of the topsoil. Yes, I see in section 2(1)(e), "requiring rehabilitation of lands from which the topsoil has been removed."

I want to look at the particular area that means that you're going to have to have another bylaw officer in the community; that's going to add an extra cost to the municipality. Perhaps the building inspector will have to look after that area.

But I think the most important item here, as the member for Huron-Middlesex (Mr. Riddell) has mentioned, is about leaving the responsibility under the Act to the local municipalities.

You could have one municipality that would jump onto this and pass a bylaw, while nextdoor the neighbouring municipality would not have a bylaw and you would have almost a runaway of topsoil there. You'd have almost the same conditions as existed before the Pits and Quarries Act; you'd have, in a sense, an extractive industry there.

I would suggest to the minister where there is a county form of government or a regional form of government that they should administer the bylaw and perhaps it can be tied into a regional plan.

I suppose under certain conditions, you're going to have to permit a certain amount of removal of topsoil, that is in the matter of topsoil for the production of sod. The Minister of Transportation and Communications uses quite a bit of that. However, in some cases they remove good topsoil along the highways and it perhaps goes to some other area; now that could have been used for a topsoil base.

I would suggest that perhaps the ministry should let the region or a county form of government administer this particular section of the Act so that you have uniformity across the region. That's the method we should be following.

I question the areas that are exempt. I see no reason why certain exemptions should be permitted, particularly for a Crown agency such as Ontario Hydro, the Ontario Energy Board and the Ministry of Transportation and Communications. I can cite a current instance where they're constructing an overpass on the regional road in Stevensville connecting with the Queen Elizabeth Way. To put in the cloverleaf there they've removed acres of topsoil and earth to a depth of maybe six or seven feet and have left nothing but a large hole in the ground, without any consideration at all for conservation.

It could be used for a bird sanctuary if it was located in the right spot, but usually it is constructed right along the Queen Elizabeth Way and there is not much chance of any vegetation growing around that particular pond or that open hole.

I think that perhaps the minister should be looking at some of the MTC procedures and methods. They shouldn't be permitted to do some of the things they do. They leave an ugly-looking sight along the highway. I would suggest that this is one area where there should be no exemption. MTC should be told to rehabilitate a certain area, put in trees around the pond, or whatever it may be, and provide a sanctuary for birds and animals.

But I support the bill in principle. It's long overdue and I think it's a step in the right direction.

**Mr. McNeil:** Mr. Speaker, first of all, I do want to thank the hon. members opposite for their kind remarks and for their criticism.

**Mr. Lewis:** They weren't kindly. They were sarcastic and venomous. You couldn't distinguish.

**Mr. McNeil:** Oh, I'm sorry. I must have misinterpreted.

**Mr. Lewis:** I guess so. That happens, Ronnie.

**Mr. McNeil:** Being a Tory, I might be forgiven for doing that.

**Mr. Lewis:** Ronnie, we love you. We love you, Ronnie.

**Mr. McNeil:** Now, if I was an NDP member, probably that's the way I would interpret them.

First of all, I'd like to reply to the hon. member for Huron-Middlesex. I think I should point out that topsoil removal is not



similar to rehabilitation of pits and quarries. I think he recognizes that the type of topsoil in this province varies even within municipalities and from location to location whereas pits and quarries have practically the same problem throughout the entire province.

As the hon. members are quite well aware the municipalities have requested this legislation. They requested that it be placed in their hands because they feel that they can control it within the municipality. Of course, the legislation even allows them to designate an area in the municipality if that is what they so desire.

Section 2(i) is designed to prevent the by-law from being applied to rather minor situations. I might point out to the member that, as I understand it, if a farmer wanted to take a bit of topsoil to fill in an area in one of his fields it wouldn't be necessary for him to apply for a permit as long as there wasn't a big area involved. I think you would agree with me that removing a truckload, which is the amount that's mentioned, wouldn't be very attractive, commercially, to anyone in the business.

One of the reasons the Crown corporations and Hydro are exempted is because it's felt they'd be controlled and governed by provincial legislation.

**Mr. MacDonald:** By what?

**Mr. McNeil:** By the present provincial legislation.

**Mr. MacDonald:** In other words, they're not controlled at all?

**Mr. McNeil:** I think they are under various Acts.

**Mr. Riddell:** What provincial legislation? There is no provincial legislation.

**Mr. McNeil:** Actually, with any installation Hydro has put up other than pipelines, the land has been well rehabilitated when they're completed and the land under the power lines is workable throughout the province. It isn't workable within the area because of the large machinery we have now in use on most of our farms in the province.

The member for York South was asking about sod farming. I'm told with modern technology and the amount of fertilizer used, the land in sod farming is in better condition after the small amount of topsoil is removed than it was before. They have modern machinery which only skims a very, very small amount of land and then a lot of fertilizer is poured onto the soil. In addition they develop a very thick matted grass and there's a lot of fibre and organic matter in the soil. The ministry officials involved in soil maintenance in this province claim the soil is being quite

well maintained under present conditions, as far as sod farming is concerned.

**Mr. MacDonald:** I'm a little skeptical but I'll accept the member's word for it.

**Mr. McNeil:** Thanks, I'm glad to hear that.

**Mr. Mancini:** That's because we trust you, Ron, but not Bill Newman.

**Mr. MacDonald:** Nor Bob Eaton.

**Mr. McNeil:** You fellows are very kind to me today.

**Mr. Lewis:** No, no, you are misunderstanding again. Do you remember that talk we had in St. Thomas? I took you behind the barn and explained what the situation was.

**Mr. McNeil:** I forget whose barn that was now.

**Mr. Lane:** It was a bar, wasn't it?

**Mr. McNeil:** No, barn, he said.

**Mr. Deputy Speaker:** Which section of the bill refers to a barn?

**Mr. McNeil:** We feel this bill can be more effective if it's placed in the hands of municipalities because municipalities are requesting this type of legislation. It would be more effective in their hands than in the hands of the entire province because of the very nature and characteristic of the commodity with which we're dealing. Of course, I think we all believe in local autonomy.

All exemptions mentioned are relatively small-scale removals and we feel they're incidental to legitimate activities with respect to this bill.

I think it was the member for Lincoln (Mr. Hall) who spoke next; he was quite concerned about the fact that the counties and regions were excluded. It is rather difficult and I think we all recognize that the counties and regions cannot be governed by the local municipalities.

[5:45]

**Mr. Haggerty:** What about unorganized territories?

**Mr. McNeil:** There is nothing to prevent them from being involved in this type of legislation.

The member for Sudbury was quite concerned about whether any topsoil would be removed from his municipality. I might say that I would think that this is one of the reasons for having it under the control of the local municipality. There would be no problem with Sudbury importing topsoil.

**Mr. MacDonald:** What if the neighbouring municipalities passed a bylaw?

**Mr. Deputy Speaker:** Order.

**Mr. McNeil:** Well, I think that the—

**Mr. Deputy Speaker:** Order. The member for Elgin has the floor.

**Mr. McNeil:** I think the local municipalities or the neighbouring municipalities would pass a sensible bylaw. I have a great deal of confidence in the local autonomy and in the local members of council.

**Mr. Warner:** It is definitely not reciprocal.

**Mr. MacDonald:** I am glad you are in favour of local autonomy.

**Mr. McNeil:** I appreciate the remarks of the member for Essex South. I am sorry that he is having a little trouble with his greenhouse industry, but I think that those matters can be resolved.

**Mr. Lewis:** He was the most nasty. Of course, you spread a little green around it.

**Mr. McNeil:** I appreciate also the remarks from the member for Erie. I might say that I have always felt that the various road authorities in this province do a fairly good job of rehabilitation—

**Mr. di Santo:** You would make a good leader.

**Mr. McNeil:** —with respect to topsoil removal. I know the municipalities in my area remove the topsoil and then they replace it after the road is constructed. As a rule, they have a little left over, so I think they are actually trying to do a good job with respect to rehabilitation. I don't think that there will be much of a problem with respect to the municipalities in this province.

Motion agreed to.

Ordered for third reading.

### THIRD READING

The following bill was given third reading on motion:

Bill 72, An Act to preserve Topsoil in Ontario.

### ONTARIO GUARANTEED ANNUAL INCOME AMENDMENT ACT

Hon. Mrs. Scrivener moved second reading of Bill 73, An Act to amend the Ontario Guaranteed Annual Income Act, 1974.

**Mr. Haggerty:** I would like to add a few comments on Bill 73.

It is no doubt, complementary to the changes of the recent federal legislation related to old age security. The federal legislation deals perhaps more with the criteria for eligibility for a pension in full or in part. Forty years of residence in Canada after the age of 18 qualifies an application at the age of 65 for full pension payable anywhere in the world. Under the new rules, partial

pensions are established and each year of residence in Canada after the age of 18 has the same value of one-fortieth of a full pension. Ten years of residence in Canada after the age of 18 has a value of ten-fortieths of a full pension.

The federal amendments make it possible for the old age security pension program to include a reciprocal social security agreement with other countries and the benefits are portable by agreement when they are negotiated.

**Mr. Lewis:** Sure creates two classes of citizens—that is what the federal legislation does.

**Mr. Haggerty:** Yes, that's what was said last year. I believe in the amendments to this guaranteed annual income—

**Mr. Lewis:** It is great that you are supporting it.

**Mr. Haggerty:** Mr. Speaker, I think it's a step in the right direction. What it actually does is ensure that those persons who contribute to old age security will receive the maximum benefits.

My area is close to the American border. In the past the federal government perhaps has been over-generous in this particular type of legislation. A person just had to move into the country and claim residence by paying municipal taxes for a period of 10 years. It has been a great benefit to those landed immigrants or citizens moving in from the United States without taking out Canadian citizenship. It has its advantages for Canadians who contribute to it.

I am well aware of the social security program in the United States. Under that scheme a Canadian working in the United States must contribute to that social program before receiving benefits.

**Mr. Lewis:** The problem is not with the Americans. The question is raised about new immigrants to Canada.

**Mr. Haggerty:** The section has a provision which will exempt family allowance benefits as an income supplement, and spouse's allowance. Parents and guardians will benefit from this change.

The bill to my knowledge does not suggest portability of the Ontario guaranteed annual income system. Under section 4 the explanatory notes state: "Subsection 4 of the new section 1a empowers the Lieutenant Governor in Council to make regulations to adapt the monthly benefit provisions of the Act to situations, as yet unknown—I am a little bit lost on just what the intent of the bill is in this particular area—"which may



arise when agreements between Canada and other countries are made, as provided in section 22.2 of the Old Age Security Act (Canada) for the payment of old age security benefits." Perhaps that may answer the question that the leader of the third party has asked.

I see no change in the benefit as far as the cost and involvement of the provincial government is concerned. This still remains at \$38.88. I thought that we would see an indexing here—the same as applied by the federal government to old age security and old age supplement.

Those are the comments that I have about the bill. We support it in principle.

**Mr. McClellan:** I did have some comments to make in opposition to the bill. I wonder, Mr. Speaker, because of the hour if

it would make sense at this time to adjourn the debate and resume it—

**Mr. Deputy Speaker:** There is still five minutes. It is entirely up to the House.

**Hon. Mr. Welch:** Mr. Speaker, you wouldn't have to adjourn the debate. If the hon. members want to call it 6 o'clock, that's all right with us.

#### ANSWER TO A WRITTEN QUESTION

**Hon. Mr. Welch:** I wonder if I might at this point table the answer to question 27 standing on the notice paper. (See appendix page 1654).

**Mr. Lewis:** The member for Bellwoods has two hours, Mr. Speaker.

**Hon. Mr. Welch:** Of course we don't want him to get a second wind, Mr. Speaker.

The House recessed at 6 p.m.

## APPENDIX

(See page 1653)

The answer to a written question was tabled as follows:

**27. Mr. Grande**—Inquiry of the ministry:

1. How many of the residents who were previously overcharged in the Lincoln Place Nursing Home since January 1, 1976, have been reimbursed by the home? 2. In how many other private nursing homes has the same situation existed? Were the residents in those homes reimbursed; if so, how many? [Tabled October 18, 1977.]

Answer by the Minister of Health (Mr. Timbrell):

1. In my statement to the Legislature on April 14, I indicated that the fiscal resources branch of my ministry would investigate the matter of telephone and ironing and mending charges made to residents of Lincoln Place Nursing Home. I further indicated that, if our findings confirmed the allegation of overcharging practices by the nursing home, I would insist that the residents be reimbursed.

In keeping with my commitment an investigation has been undertaken.

The investigation revealed that residents or their next-of-kin who have been charged for ironing, mending and marking services have signed a "formal written agreement" with the nursing home. Under the terms of this agreement, they are charged a flat rate of \$10 per month for this service.

I should point out that under the provision of the Health Insurance Act 1972, "laundry" including machine washing and drying is an insured service. However, mending, marking and ironing are not considered to be a part of "laundry" and are therefore uninsured services. Through an informal arrangement between the Ministry of Health and the Ontario Nursing Home Association in 1973, homes providing this service are not required to maintain detailed documentation supporting the charge, unless specific problems are encountered. It was also agreed that under this arrangement detailed documentation of charges would be provided in the event that the monthly charge exceeds \$10.

With respect to the charge for telephone services, this too is an uninsured service and is therefore an item over which we have no statutory jurisdiction. I should point out that legal counsel has confirmed that we have no jurisdiction over uninsured services.

My staff also considered the question of whether the uninsured services which were

charged for had actually been provided. Due to the previously identified lack of documentation with respect to ironing, mending and marking, we were unable to determine whether or not the residents who have been charged did in fact receive the services. With respect to telephone services our investigation confirmed that all the residents who have been charged received the services.

In my April 14, 1977, statement, I indicated that I would insist that refunds be made for any overcharges. This statement was based on the advice of my staff who had addressed this matter purely on "moral grounds." It appears to my staff that the amounts being charged for the services may be excessive in relation to the cost of providing the services. The experience of this ministry has been that where charges for uninsured services appear excessive nursing homes have co-operated in making the necessary adjustments.

The ministry has taken the following steps.

(1) The home has been advised to establish an appropriate record-keeping system which will accurately reflect the nature and amounts charged to residents for uninsured services. Follow-up investigations have confirmed the implementation of this requirement, as well as a reduction in the monthly charge for telephone of approximately 50 per cent from the previous \$2.15 per month.

(2) Appropriate amendments are being considered in the current review of the nursing home legislation to prevent overcharging.

(3) The informal arrangement with Ontario Nursing Home Association with respect to ironing, mending and marking is being reviewed. In addition, consideration is being given to the possibility of including this service as a part of "laundry."

I should point out that even though the ministry does not have legal jurisdiction over the amounts charged for uninsured services, we intend to pursue the "moral issue" with the licensee of this nursing home.

2. Since January 1977, complaints have been received in connection with six nursing homes regarding charges for uninsured services. These were investigated and two of the complaints were found to be justified. As I mentioned in my answer to Mr. Grande's first question, we have no jurisdiction with respect to the amounts charged for unin-



sured services. However, the nursing homes have been responsive to our persuasion and have agreed to make the necessary refunds.

In addition, there have been two requests for investigations by a financial consultant from fiscal resources branch of the ministry—

excluding Lincoln Place Nursing Home—namely Taara Nursing Home, Port Credit, and MacLaren House Nursing Home, Ottawa. Taara Nursing Home has made the required refunds and the investigation at MacLaren House has not been finalized.

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# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition

**First Session, 31st Parliament**

Tuesday, November 8, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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## LEGISLATURE OF ONTARIO

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TUESDAY, NOVEMBER 8, 1977

The House resumed at 8 p.m.

### ONTARIO GUARANTEED ANNUAL INCOME AMENDMENT ACT

(continued)

**Mr. Speaker:** We are dealing with second reading of Bill 73. I believe the hon. member for Bellwoods had the floor.

**Mr. McClellan:** I am rising to oppose Bill 73 on second reading. I would like to set out for the House the basis of our opposition to this bill. I see it as the final step backward or the final step in the dismantling of what was once an excellent provincial minimum income program. When the GAINS program was first introduced in 1974, it represented an excellent bit of progress for this province of Ontario. It was in its structure a very good piece of legislation.

While we on this side of the House had arguments against the adequacy of the benefit levels, we approved—in fact we had demanded—some kind of a minimum income program for Ontario's elderly pensioners. We were pleased when the GAINS program was introduced. As I have said, we were unhappy with the low level of the minimum income ceiling that had been established under GAINS, but in its structure it was an excellent program and it offered much potential for building upon.

The first step in the destruction of the provincial GAINS program took place the last time an amendment to the bill was before us, when the residency requirement was changed from five years to 10 years. We on this side of the House fought that as vigorously as we could, because we saw that as a destructive step which established in this province two classes of citizens: Those who have been here for long periods of time and those who are newcomers to this province, those who are immigrants and new Canadians.

They were discriminated against under the amendments to the GAINS bill that were introduced, I believe, in 1976. They are Canadian citizens who are living in my riding of Bellwoods, in the ridings of Dovercourt, Oakwood, High Park, Parkdale and Downsview and in all of the communities in this province where new Canadians have come

and settled. They are Canadian citizens who are discriminated against under the legislation, and that is very tragic.

We now have the final dismantling of what was once a minimum income program for all of the people of this province. What this bill does, through the mechanism of a relation to the residency and eligibility requirements of old age security and the guaranteed income supplement, the changes that were implemented by the federal government in July, is to remove any concept of a minimum income for new Canadians. That essentially is what this bill does. There is no other way of cutting it; there is no other way of describing it.

I can cite some remarks from the compendium of information that was provided to the critics by the ministry. I quote from page three of the background statement: "In order to avoid substantially increased benefit and administration costs created by the federal change, parallel changes to GAINS qualifications will be made." They go on to explain that they have brought the GAINS program into line with the federal program for this simple reason. They have done this, the compendium says, "because the calculation of the GAINS guarantee has been based upon the full old age security level, therefore, partial old age security recipients would have the difference between partial and full old age security made up fully by the GAINS payment if no change in GAINS qualifications were made."

That's it in a nutshell. The fact that the federal legislation was bad legislation and the fact that the federal legislation discriminates against new Canadians and against immigrants does not justify the destruction of the provincial GAINS program.

What should happen, as is suggested on page three of the background statement, is that despite the fact that the federal government has imposed residency requirements on OAS and GIS which effectively exclude new Canadians—that is to say, people who arrive in Canada after July, 1977—from obtaining full old age security and GIS benefits for 40 years, despite the inequities and injustices of the federal law, Ontario should have con-

tinued to provide a minimum income program for all senior citizens.

It is simply iniquitous that this change to parallel the federal changes has been made. It is an enormously complicated bill technically. I don't propose to go into the technicalities of the bill, but I need to try to describe to you, Mr. Speaker, what in fact this bill does. As I said, it establishes two classes of recipients. There are those who are referred to under the legislation as entitled to increments. Ministry officials refer to them as "increment people." These are people who meet the full residency requirements in order to qualify for old age security and guaranteed income supplement either now or in the future. They and only they will be entitled to a minimum income. These are the only people in Ontario who will be entitled to a minimum income.

**Mr. Wildman:** It is discriminatory.

**Mr. McClellan:** It is discriminatory. The other category of recipients who are entitled to a monthly benefit under the amended GAINS legislation, referred to as monthly benefits recipients by ministry staff, are entitled only to partial old age security and guaranteed income supplement. For them there is no minimum income. There is no income floor below which they will not be permitted to fall. That, as I said, was the essence of the old GAINS program. For every citizen of this province who had been here for five years and who had no other income, a basic income floor had been set by the GAINS program below which no citizen would be permitted to fall. Now that has effectively been undermined and destroyed for those who come to this country after July, 1977.

There is another group of people who are here now and who will have the choice of applying either under the old regulations or under the new federal regulations, but it will take a chartered accountant to make the choice rationally as to whether one should apply under the old provisions of OAS-GIS or under the new provisions of OAS-GIS. That is a situation that nobody in this province, or in this country, should have to undergo.

What's being offered to new Canadians in a nutshell is that they can go on welfare. They can go on welfare or they can go on family benefits—if they reach their retirement years and they qualify either not at all because they have not been here for 10 years, or they qualify only for a portion of OAS-GIS and GAINS. And again, to qualify for the full OAS-GIS GAINS you have to be here for 40 years. And it is simply unaccept-

able to establish those kinds of discriminations as between long-term residents of this country and those who are going to be new arrivals.

On the basis of my own experience as a representative of a multi-cultural riding I find that my constituents will not go near a welfare office. My constituents, when they are faced with unemployment and not being eligible for unemployment insurance benefits, or if they are on Workmen's Compensation and are having difficulties with the Workmen's Compensation Board, they will not go to a welfare office. There is that much stigma attached to going on welfare within new Canadian communities. That is a simple reality that anybody who represents a new Canadian community is well aware of. Yet the only recourse—and the member for St. Andrew-St. Patrick knows what I am talking about—

**Hon. Mr. Grossman:** That makes one of us.

**Mr. McClellan:** The only recourse, I put to the member for St. Andrew-St. Patrick and anybody else who is willing to listen, that is being offered to the elderly from this point on, is to go to the welfare office and then transfer onto family benefits. But the concept that had been available under the old GAINS program of a minimum income ceiling below which no one would be permitted to fall, based only on your current income, no longer exists.

We opposed the changes to the GAINS legislation when they were introduced previously bringing the requirements up to 10 years. We oppose this final dismantling of the GAINS program that is before us today. There is no room in this province for two classes of citizens. There is no room in this country for two classes of citizens.

That the federal government has so estranged itself from the realities and experiences of what was once a very strong part of their constituency is their problem, but the injustices and inequities built into the federal amendments to OAS-GIS last spring should not be built into Ontario provincial programs. We should go back to an adequate GAINS program, which establishes a minimum income for all the elderly in this province based solely on an income test.

All of this nonsense about residence requirement has only to do with residual nonsense, dating from the Elizabethan poor laws, that ought to be scrapped. It has no place, it has no business in a modern industrial society. Human rights do not attach themselves to people by virtue of their nationality. Human rights accompany people by virtue of



their humanity. When people come to this country they bring those rights with them and one of those rights is the right to a decent and adequate income in their old age, without the stigmatization and degradation and humiliation of having to apply for welfare.

[8:15]

I hope that my colleagues to my right will have the wisdom to appreciate the rightness of what I'm saying and will reconsider their position. Because this is—

**Mr. Riddell:** The member has to make his argument a lot more convincing than that. Why should a person be able to qualify for—

**Mr. McClellan:** I regret that, but the reality is this legislation is discriminatory and should be opposed.

**Mr. B. Newman:** I rise to support this piece of legislation. I do it because of some of the comments that the previous speaker made. He mentioned that this legislation makes two classes of citizens. Unless we have parallel legislation with the federal legislation we would have two classes of citizens. We would have one class that would qualify under provincial legislation; we would have another that would qualify under federal legislation.

**Mr. Wildman:** And some wouldn't qualify at all.

**Mr. Philip:** Because the federal government is wrong doesn't mean we have to be wrong.

**Hon. Mr. Rhodes:** If you had your way everyone would qualify for welfare.

**Mr. B. Newman:** I think it's quite important to have uniformity if at all possible, and it is possible in this case.

But that isn't the only reason. There is no one in this House who isn't concerned for those in need; everyone is, be they to the left of us, across the aisle or on my right or in my immediate vicinity. We're all concerned and we want to see that everyone that comes into our country is treated fairly.

But, Mr. Speaker, the members on the right, as members of the Legislature, think that they should qualify for maximum members' pensions after three or five years. It's the same thing. Sure they're talking about the same there. They want an individual to come into the country and immediately qualify without making a substantial contribution.

**Mr. Conway:** Give away the store.

**Mr. B. Newman:** They can become Canadian citizens in three years. So in three years they would qualify for maximum benefits. That's what they want them to do. Yet the

UAW itself and all the unions fought for a 30 and out and a 35 and out.

**Mr. Wildman:** What's that got to do with it?

**Mr. B. Newman:** Why didn't they fight for a three years and out? The principle is exactly the same. If it's good for 30 and out or 35 and out, then it's also good for three and out, with a maximum pension.

**Mr. Laughren:** You are an embarrassment.

**Mr. McClellan:** This is old age security we are talking about.

**Mr. B. Newman:** Mr. Speaker, all pensions are generally based on contributions. To make any pension actuarially sound, it should be based on contributions.

**Mr. Bounsall:** These are not actuarial.

**Mr. B. Newman:** I know this is not one you can base necessarily on contributions—

**Mr. Bounsall:** Yes, it destroys your argument.

**Mr. B. Newman:** —but provision is being made in here to take care of the senior citizen or the individual who comes into Canada and does not necessarily live here for the 40 years. After all, it's two and a half percent for each year of residency, essentially so.

One place where I do differ with the government is that I think that any GAINS programs should be indexed. If the federal government indexes their OAS and their GIS, GAINS likewise should be indexed in the same fashion.

Some of the members don't realize that those of us who live in border towns could have thousands of repatriates coming into Canada and others just crossing the border, living for three years, collecting what they would be entitled to from the American side plus what they could get after a three-year residency or some short period of time.

I think out of all fairness the legislation we have here today does not necessarily meet all of my concerns, but at least it is a step in the right direction.

**Mr. Laughren:** What a sad performance.

**Hon. Mr. Rhodes:** Collecting what they would be entitled to.

**Mr. di Santo:** I rise in opposition to the bill, not because of the very ludicrous argument made by the member for Windsor-Walkerville.

**Mr. Laughren:** Silly arguments.

**Mr. di Santo:** In all honesty, I think he must have been speaking of a different bill.

**Hon. Mr. Rhodes:** You were whipped into line; that's why. Your leader said do this

and you are doing it. You're a bunch of sheep.

**Mr. di Santo:** We are not talking tonight of the requirement that immigrants or Canadian citizens should have in order to have a full or partial pension. We are talking tonight of a bill which is modifying the GAINS program instituted by this government in 1974. GAINS is a supplement given to those Canadian residents or citizens who do not qualify for the minimum pension. It is for those Canadians who have been working for a number of years, who have not been able to contribute towards the pension plan and who don't qualify for that minimum income about which even the government's counterparts in Ottawa are talking today. If you read today's newspapers, Mr. Speaker, you will see the federal National Health and Welfare Minister Monique Begin is talking of trying to work out a guaranteed minimum income system.

With this bill we are removing that basic attempt made by the government of Ontario in 1974 to bring about some equity for those senior citizens who have been residents of this country for a number of years but didn't have a chance to contribute fully towards the pension plan. With the GAINS program this government gave them the possibility of getting a minimum of income which would allow them to live in dignified way. As my colleague from Bellwoods said before, we thought when the GAINS program was introduced it wasn't good enough. Even today a pensioner who gets the maximum of GIS and the maximum of GAINS and reaches \$294.82 a month is still below the poverty level.

We recognize that, but what this government is doing with this bill is subtracting money from those people who came to this country and who are Canadian citizens, whether they have been living in this country for 15, 20 or 25 years. They are subtracting from their pensions, from their supplement, an amount of money which is quite substantial. In fact, it can be seen from the background material supplied by the minister that if a person has been a resident of this country for 30 years and then qualifies for full GAINS supplement, he or she will get \$294.82. But if somebody has been living in this country for 10 years, then he or she will get \$181.99, which is more than a \$100 difference.

What does that mean not only in financial terms for a pensioner, but in human terms? We are treating citizens of this country in two different ways. We are treating citizens who have certain requirements of residency

in one way, while citizens who for reasons we may not know, for reasons that are their own, citizens who have left this country before the 40-year requirement, we are treating in a different way. That's discrimination.

I think this is one of the ways this government has always treated the most vulnerable and weakest group of our people. We know that the government takes a different attitude when we speak of Inco. When Inco lays off 2,800 workers, they don't talk the same way to Inco.

We read today in the Financial Post that there are big Canadian companies—Alcan and Co-Steel—which are investing money in the US. The government is not threatening to withdraw their tax exemptions, but when they come to pensioners and immigrants they do not react to them. That's why they hate them.

**Hon. B. Stephenson:** Such absolute balderdash. You don't know what you are talking about, Odoardo. You are badly misinformed.

**Mr. Wildman:** Oh, go back and go to sleep.

**Mr. di Santo:** This is the same cynical attitude that we have repeatedly noticed in the Minister of Labour when she deals with the injured workers. The last example was the opening of the Legislature.

**Mr. Speaker:** We'll deal with Bill 73, please.

**Mr. di Santo:** Yes, but Bill 73, unfortunately, Mr. Speaker,—

**Mr. Wildman:** Mr. Speaker, she is an emotional cripple.

**Mr. di Santo:** Bill 73, unfortunately, reflects the general attitude of the government of which the Minister of Labour is one example.

**Hon. B. Stephenson:** At least I am intact, which is more than I can say for you.

**Mr. Wildman:** That's true.

**Mr. di Santo:** As I said before, we oppose this bill which has nothing to do with the pension or qualifications for a pension.

**Mr. Warner:** The coffee bean is waiting over there.

**Mr. di Santo:** We're not advocating full pensions for residents of this country after three or five years, as the member for Windsor-Walkerville was saying. We're not saying that. We are talking about the supplements which are a minimum amount of money.

**Mr. Haggerty:** It's the same principle.

**Mr. di Santo:** We are talking about the \$38 which is subtracted from the people who most need it and for this reason we are opposing the bill.



**Mr. Speaker:** Is there any other member who wishes to enter the debate? If not, the Minister of Revenue.

**Hon. Mrs. Scrivener:** Mr. Speaker, I wish to thank the members for their comments on this bill. I was interested to hear the remarks from the members for Erie and Windsor-Walkerville. They both appeared to have a good insight as to the intent and purpose of the bill, and indicated the support of their party for it and I thank them.

I think the point the member for Erie made was quite true. It will assist more recent residents, dwelling in Ontario for 10 years or more. I think that's the most important point.

In listening to the arguments raised by the member for Bellwoods and, latterly, the member for Downsview, I'm nonplussed at how they arrive at the rationale for their argument.

**Hon. B. Stephenson:** There is no rationale.

**Mr. Warner:** We wouldn't expect you to understand.

**Hon. Mrs. Scrivener:** We are talking about the guaranteed annual income supplement, a benefit paid in Ontario impartially to all persons who can qualify, in the first instance, for the old age security pension and subsequently for the guaranteed income supplement. We're providing a benefit. It's not a pension; nor is it a peg to income in the way the member for Bellwoods seemed to imply and as his colleague did as well. I will come to that in just a moment.

Here is a benefit which is now going to be extended and broadened to include a whole new range of people who previously did not qualify. This is especially true for the family and relatives of new Canadian citizens who have come here to be with their relatives and who previously did not qualify in any way. Now, after 10 years' residency with one year in Ontario, they will be able to qualify for a partial old age security pension, a full guaranteed income supplement if their incomes permit it—

**Mr. McClellan:** That is double speaking.

**Hon. Mrs. Scrivener:** —and a full GAINS benefit if their incomes permit it.

**Mr. McClellan:** You don't understand the bill yourself.

[8:30]

**Hon. Mrs. Scrivener:** I will say it another way. In computing the way a recipient is paid GAINS in Ontario, the recipient who has a full pension is considered to have a full pension in the way we compute our supplement payment. To put it another way, the amount of the monthly benefit paid in On-

tario will be equivalent to the monthly increment that would be payable to such persons were they entitled to receive a full monthly pension under the federal Act. We do not take it down in terms of the number of years required in residency as that is pegged to the old age security pension.

In talking about this bill, the member for Bellwoods and his colleagues referred to the matter of discrimination. I suppose it's predictable in terms of the philosophy of their party—

**Mr. Wildman:** We don't believe in discrimination.

**Hon. Mrs. Scrivener:** —but I thought it was not a very strong argument and certainly it was one which failed to convince me; they didn't even express it very strongly themselves.

If there is discrimination, I submit that it is really in the order of dual discrimination at the federal level. In the first instance, if there is anything discriminatory at all, it is discrimination against those who qualify in some way for the old age pension and for the subsequent benefits as against those who do not because they lack the residency. In the second instance, as the member for Windsor-Walkerville has pointed out, there is also an implied discrimination against those who have lived and worked in this country over a period of years and how they have achieved their residency.

**Mr. Laughren:** Shameful.

**Hon. Mrs. Scrivener:** Frankly, I think what we are talking about is a really excellent program and one that leads in its field, and has led from the time it was introduced in 1974, in terms of what it does—and this I can say with impunity—over any other jurisdiction in Canada.

**Mr. McClellan:** Absolute rubbish.

**Mr. Warner:** The minister of crumbs.

**Hon. Mrs. Scrivener:** What we are talking about is a provision in Ontario for a whole new group of pensioners who will receive the same amount that they would receive if they qualified for a full pension. There is no discrimination in terms of residency in terms of the way GAINS is paid.

**Mr. Warner:** That's a real big "if."

**Mr. McClellan:** Why don't you live on the \$38 supplement?

**Hon. Mrs. Scrivener:** The point of the bill is that the benefit is pegged to income as is the federal guaranteed income supplement, and it is intended to assist senior citizens

who are resident in Ontario and who require that supplement.

**Mr. McClellan:** But there is no income ceiling.

**Hon. Mrs. Scrivener:** As has been already mentioned, there are other benefits available for those who do not have their residency qualifications, and I refer to family benefits.

**Mr. di Santo:** Yes, sure. Welfare.

**Mr. Laughren:** Lick somebody's boots.

**Mr. Walker:** More crumbs. You spend your time crushing crackers over there.

**Hon. Mrs. Scrivener:** Finally, I thank the members of the opposition party for their support. I have to say that I find it regrettable that the members of the third party are not supporting this bill. I think that it is no credit to their party.

**Mr. Warner:** We are the conscience of Ontario.

Interjections.

**Mr. Speaker:** Order.

The House divided on the motion by Hon. Mrs. Scrivener for second reading of Bill 73, which was approved on the following vote:

AYES	NAYS
Auld	Bounsall
Baetz	Charlton
Bernier	Cooke
Blundy	Davidson
Bolan	(Cambridge)
Bradley	Davison
Breithaupt	(Hamilton Centre)
Brunelle	di Santo
Conway	Germa
Cunningham	Grande
Cureatz	Laughren
Davis	Lawlor
Drea	Mackenzie
Eakins	Makarchuk
Eaton	Martel
Elgie	McClellan
Epp	Philip
Gregory	Swart
Grossman	Warner
Haggerty	Wildman—18.
Hall	
Handleman	
Henderson	
Hennessy	
Johnson	
Kennedy	
Kerr	
Kerrio	
Lane	
Leluk	
MacBeth	

#### AYES

Maeck  
 Mancini  
 McCaffrey  
 McGuigan  
 McKessock  
 McNeil  
 Miller  
 (Haldimand-Norfolk)  
 Newman  
 (Windsor-Walkerville)  
 Nixon  
 O'Neil  
 Parrott  
 Peterson  
 Pope  
 Reed  
 (Halton-Burlington)  
 Rhodes  
 Riddell  
 Rowe  
 Ruston  
 Scrivener  
 Smith  
 (Simcoe East)  
 Snow  
 Stephenson  
 Sterling  
 Sweeney  
 Taylor  
 (Prince Edward-Lennox)  
 Taylor  
 (Simcoe Centre)  
 Turner  
 Van Horne  
 Walker  
 Welch  
 Wells  
 Wil'iams  
 Worton—64.

Ayes 64; nays 18.

Motion agreed to.

Ordered for third reading.

#### THIRD READING

Hon. Mrs. Scrivener moved third reading of Bill 73, An Act to amend the Ontario Guaranteed Annual Income Act.

**Mr. Speaker:** All those in favour of third reading of Bill 73 will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

#### RYERSON POLYTECHNICAL INSTITUTE ACT

Hon. Mr. Parrott moved second reading of Bill 25, An Act respecting Ryerson Polytechnical Institute.



Motion agreed to.

**Mr. Speaker:** Shall the bill be ordered for third reading?

**Mr. Sweeney:** Is the minister not going to make a statement?

**Mr. Speaker:** The bill has passed second reading. What is your wish?

Some hon. members: No.

**Mr. Breithaupt:** Mr. Speaker, with respect to that ruling, I was talking to my colleague at the time. We were under the impression with regard to these amendments to the Ryerson bill, since they have been put off for some time and since we were under the impression as well that the members of the board wished to be available to us for this debate this evening and present in the House, that there would be a ministerial statement. If that was to have been the case—and we certainly expected that that was to be the case—as a result, I would ask for the reconsideration of that matter because that was certainly the expectation we had.

**Hon. Mr. Parrott:** Mr. Speaker, in the spirit of the evening, and it seems so very pleasant in here this evening, we should perhaps accept the suggestion that we do have debate on second reading, although I have no opening statement.

**Mr. Martel:** Mr. Speaker, if I may just speak to the point of order, we were waiting our opportunity. Usually you recognize the official opposition first.

Interjections.

**Mr. Martel:** We were waiting our turn for the Liberals to be recognized and we would appreciate if Mr. Speaker would give us an opportunity to take part in the second reading debate. I don't think there is that much difference in what's going to transpire, but I think it would be important that we give the bill the consideration it deserves.

**Mr. Nixon:** He should be running for leader.

**Mr. Speaker:** Order. I think this only highlights the need for members to pay attention to what is going on.

**Hon. Mr. Welch:** You wouldn't get away with that at Ryerson.

**Mr. Speaker:** The question was duly put and members were given an ample opportunity to respond as they saw fit. I heard nothing.

Interjections.

**Mr. Speaker:** Order. In view of what has been said and given the spirit of the House tonight, I'm willing to forget what has gone on before. We will consider second reading

of Bill 25. The hon. member for Kitchener-Wilmot has the floor.

**Mr. Sweeney:** I have been advised by the minister that he would like to get this bill through as quickly as possible, but that other one was absolutely ridiculous. Let me say at the opening to the minister I have no intention of unduly delaying this bill. I would however want to point out, and I think it should be on the record at this time, that when amendments were made to this bill back in 1971 and 1972 there was a clear commitment by this minister's predecessor—I guess two predecessors back—that it would come back in for review within two years.

**Hon. Mr. Parrott:** It is ordered in fact by the bill.

[9:00]

**Mr. Sweeney:** Okay. It has been put off and put off. As a matter of fact, as early as 1975 we had a clear indication it was supposed to be coming forward. It was put off again in 1976 and now into 1977. I make that observation only because we in all three parties have been given some indication by the Ryerson community they want this bill to go through. However, I think they should recognize if it were held up even tonight, it certainly wouldn't be our fault.

I also want to point out to the minister that I intend to support the bill. I want to make some reference to certain aspects of it and some of its implications, but I certainly will support the bill itself.

There are two chief points to this bill. The first one is the expansion of the board of governors from 13 members to 23 members and also a broader representation of that board of governors. One of the broader representations is that the government appointees will no longer have the very heavy influence on that board they have had in the past. I will certainly speak to the reason why I think that's necessary.

The second major change in this bill is to legitimize, to legalize, the academic council at Ryerson. Ryerson, since it is usually considered along with the universities in this province has not had, up to this point in time, an academic council, a senate, whatever you will, making the major academic decisions, the major curricular decisions and it's well nigh time it did. One of the reasons why I will not hold up this bill any longer is because at the present time the board of governors at Ryerson, I would suggest, because of some recent revelations from that institution, is somewhat demoralized and need an uplift of spirits. There need to be some changes on that board and we will speak to it.

The second point for not holding it up is because after speaking to all the various constituent communities of Ryerson—the faculty, the students, the support staff, the administration staff—they all indicate to me that basically the bill is the best possible compromise given all of their wishes and desires.

With respect to the board of governors, we very much want to see some changes, but in order to highlight those changes, to move down, if you will, the influence your government has had on this board, I want to highlight a few points from the past. I'm not bringing up the past solely for its own sake. Rather we need to emphasize some of the things that have gone wrong in the past before we'll fully appreciate the need to make some changes in the future.

I would draw the minister's attention to the fact that, to the best of my knowledge, Ryerson is the only post-secondary institution in this province that, for some reason or another, has found it necessary to release all four of its presidents. The board of governors has taken action to dismiss all four presidents of Ryerson—for different reasons and under different circumstances, but nevertheless, that is a fact. It has occurred. I don't know of any other post-secondary institution that has had to do that and it speaks to me of some serious internal problems in that institution.

At this point I want to make it very clear that to the best of my understanding and knowledge and from my association with him, the existing president is doing a fine job and should be strongly supported. I would not want any of the points I would make to be a reflection on his administration.

**Hon. Mr. Grossman:** But.

**Mr. Conway:** But he's running for the leadership of the NDP.

**Mr. Sweeney:** No, that's beside the point.

**Hon. Mr. Grossman:** If we overdo it, he might.

**Mr. Sweeney:** I indicated before I feel there has been undue influence, indirectly albeit, from this government on this board.

**Mr. Nixon:** Indirectly?

**Mr. Sweeney:** Let's just look at some of the members who have been appointed to this board. Let's just look at some of them. William Kelly.

**Mr. Ruston:** Oh, I got a letter to our school wanting money for the party. I've got it right here.

**An hon. member:** The famous William Kelly?

**Mr. Sweeney:** Hugh Macaulay has been appointed to this board.

**Hon. B. Stephenson:** Walter Pitman.

**Mr. Ruston:** Who is he?

**An hon. member:** Oh, no. Some columnist dog.

**Mr. Sweeney:** Clare Westcott has been appointed to the board.

**Mr. Ruston:** Oh, no! Who's he? Whoever heard of him?

**Mr. Sweeney:** And the present secretary of the board is a former defeated PC candidate—

**Hon. Mr. Grossman:** All your guys are on the bench in the Supreme Court.

**Mr. Sweeney:** —handed to the board, which was told: "This is going to be your secretary." It is these kinds of things that would suggest to us that there has been undue influence.

**Mr. Nixon:** How much are they paying him?

**Mr. Martel:** Sounds like the federal Liberals, doesn't it?

Interjections.

**Mr. Deputy Speaker:** Order.

**Mr. Sweeney:** Let's take a couple of specific examples. At a point in time in the fairly recent past, the faculty of Ryerson, supported by the board of Ryerson, decided that they were going to buy a Honeywell computer. A message was brought to them: "No, you won't buy a Honeywell computer. You'll buy an IBM computer." It just so happened that at that particular point in time IBM was the only computer company that had any contracts with this government—lease, sale, anything. There was direct interference by the government itself at that particular institution.

**Some hon. members:** Shame.

**Mr. Sweeney:** And yet the minister makes reference to the autonomy of the institution.

**Mr. Nixon:** They have got a lot of trouble with computers.

**Hon. Mr. Welch:** I can't hear the speaker for the interjections.

**Mr. Sweeney:** Let's take a look at this incredible Korey affair again, because I think it is indicative of the kinds of things that have been happening that should not have been happening.

**Mr. Peterson:** I agree.

**Mr. Sweeney:** In 1973, while there was a crisis going on because of the dismissal of another president and a lapse as to who the new president would be, this absolutely incredible contract was drawn up. It's one that, as far as I know, once again, has no parallel in the annals of post-secondary education in this province; and if it has, I would certainly



like to hear about it. It was a contract worth in excess of \$1 million and lasting for 14 years—10 years definite, three more years at an option and another year of sabbatical on top of that, at a salary of \$65,000 a year. That's more money than the Premier gets.

**Mr. Nixon:** You would think he could play hockey.

**Mr. Warner:** He's not worth that.

**Mr. Sweeney:** There are a couple of other things that flow from this. The first one is that despite section 7(c) of the existing Act—not the new one; the one we have been working under—which clearly says the president has to be kept informed of what's going on with respect to the staff there, the current president of Ryerson was not apprised until less than a year ago of the contents of that settlement. He didn't know what the salary was. He didn't know what the terms of reference for the job were.

**Hon. Mr. Welch:** What, his own?

**Mr. Sweeney:** No, not for himself; for this vice-president who was appointed. Granted, he wasn't there when the deal was made but if any board had any integrity at all as far as their president was concerned, surely he would have been informed. One of the reasons we suspect he wasn't informed is that when one looks at the contract he was given and at the terms of reference of his job, he was for all practical purposes the acting president of that institution. No wonder.

Another thing we have just discovered recently is that several of the board members weren't aware of that particular contract and the contents of that contract. Look at what has happened recently: the so-called settlement, which is costing Ryerson \$322,000 at the very same time that Ryerson has a \$960,000 deficit for the 1977-78 year. It is already suffering financially and we throw another \$300,000 plus into the pot. These are moneys that are not available to the students for the kind of program that we want there.

That's an incredible saga. We really have to wonder, why do they make that kind of a settlement? Is it possible, for example, that under the Corporations Act the individual members of that board might even have been financially liable? Is that one of the reasons? I don't know, but at least I believe it perhaps should be considered.

Let's consider some of the other things that have happened there. Just two years ago, in 1975, it came to our attention—and the deputy minister finally had to advise Ryerson of it—the board approved \$325,000 of provincial grant money that should have gone

for the day-by-day operation of the academic program of the school was diverted to non-academic uses. Clearly a statement from the minister's own deputy that was not permissible, should not have happened, and yet it did, under the direction of this board.

We have on that board a noted architect; a very fine man, a very reputable man. But was it correct that an architect on the board was also involved in the design of the Ryerson Institute? I am not sure whether that's the best kind of thing to happen. I am not suggesting any lack of integrity there, but that is kind of questionable. I don't think that kind of thing should take place.

One very recent incredible thing—we talk about this board and its chairman, in particular. Does the minister realize that the chairman for the last 16 months has not been the chairman of the board? He has been acting as chairman, but he hasn't been the official chairman. He was appointed in June, 1973, for a three-year term that should have ended in June, 1976. Apparently nobody knew, not even the chairman himself, that according to the bylaws of that board if he were going to continue as chairman he would have to be renominated.

Let me just read what Mr. Kennedy himself said, when this was brought to his attention. Kennedy said: "It's three years, is it? An election is quite possible, then?" Even at the next meeting, what a flippant attitude.

I would have to question what has happened to that board in the last 16 months. Where does that put the decisions that they made? I am not sure. I wonder if your staff knows. And Jack Gorman, the secretary of the board, admitted that he knew that this was going on and yet at the same time said nothing about it. He said: "You asked me if it was my responsibility; it isn't specifically stated in the bylaws. I suppose it could be construed that way." The secretary of the board, who by the way, was earning a salary in the vicinity of \$50,000. That's more money than you make, Mr. Speaker. You know, sometimes we have to wonder—

**Mr. Reid:** That's more money than the minister makes.

**Mr. Sweeney:** Yes, more money than he makes. Sometimes we have to wonder with these kinds of salaries: \$65,000 for the vice president; \$50,000 for the secretary of the board. We have to wonder whether this board thinks it is running General Motors or something. A dismissal settlement of \$322,000. In 1975, the president of Ryerson brought to the attention of the board that the salaries of the top administration staff should be frozen. What did the board do? Oh, we can't do that.

It might put us out of the competitive running. Competitive running for what? Stelco?

These are the kinds of things we have to look at. I am suggesting to the minister all these things go on and on and on and on.

Okay. What does it boil down to? It boils down to two things. First of all, a clear need to change this board. A clear need to change the chairman of this board. A clear need not to have this government, through its appointment of members of this board, continuing to use Ryerson literally as a plaything.

That's a serious charge, I'll recognize that, but that is the way it has to be perceived. What does Ryerson mean to the government anyway? It's a unique institution in this province, the only one we have—I'd like to speak to that in a few minutes. But clearly changes need to be made.

**Mr. Conway:** Fire the minister.

**Mr. Reid:** We can't fire him. He is cheaper than the board comes.

**Mr. Sweeney:** That's true. Section 3 of this Act speaks to the purposes, the goals and the aims of this institution. I think it's important at this point in time to take a couple of minutes to look at that.

I want to come back to the point I just made. Ryerson is unique in this province. In a way, that's somewhat sad because Ryerson stands for the training of graduates going into our society in the whole area of sophisticated technology. Not only are they top-notch technical people, but they also get a good social training as well.

That's exactly the kind of people that our society needs right now. Economists have been telling us over and over again that the only way that this country is going to survive is to start moving into this area of highly sophisticated technology. We can't compete with some of the Third World countries in lesser industries. Yet if we look at any one of our trading partners, Germany, Japan, Sweden and even England, which we have always thought, recently at least, was less technologically advanced than we were, or had more economic problems, every one of these has clearly recognized the need for polytechnical institutes. Every one of them has many more than we have in proportion to their other post-secondary institutions. We have 16 universities, 22 community colleges and only one polytechnical institute.

It makes me ask again, does the minister really appreciate, and really understand what an institution like this stands for and how needed it is in our society?

Let's just take one other example in terms of high technology. There are several ways

in which Canada has shown leadership in the world. One of them is in nuclear energy and it isn't something that happened yesterday. It goes way back 10 or 15 years. We knew at that time we were going to need sophisticated technicians to handle that equipment. Yet what did we do in this province? We've debated this before but it alludes to this particular debate. We didn't do anything to train them; Hydro did train some. Why are we in the position now where we have to bring over all those technicians from England?

I realize they have a longer history in nuclear technology than we do, but we're not babies at it. We knew 10 years ago we were going to need these people. The same thing applies to our basic technicians. Is the minister aware of the fact that right at the present time the majority of top-notch skilled technicians in this province, particularly in industry in this province, are European immigrants? These are men who are in their late forties and early fifties. Thank God they came! They came from eastern and western Europe and helped staff our industry. I don't know where we'd be now if they didn't because we weren't training them ourselves.

The tragedy of this is that when one looks behind those people, there aren't enough young Canadians coming up to take their place. We aren't meeting that need. We aren't meeting that need for high technology technicians, especially in our industry. Ryerson is the very kind of place that can do it. Again, let me repeat, it isn't just because of their sophisticated technical skills. It's also because of the broad social backgrounds they've got. That's what we need. We need this kind of dual man. We perhaps need him more than we need anything else today.

Can the minister continue to justify having only one polytechnical institute in this province? I would have to suggest to him that we should consider almost immediately setting up at least two more, say one in eastern Ontario and one in northern Ontario. I'm not even suggesting that we add on. I'm suggesting that we take one of the community colleges in each of those areas and upgrade it, and I don't think the residents of any of those areas are going to object to an upgrading of a facility, so that we are really meeting some of the advanced needs of this province.

One of the points I want to draw to the minister's attention, and he probably knows something about it, is that the staff at Ryerson right now are making intense per-



sonal sacrifices in terms of their budget and in terms of their time to do some long-range planning for Ryerson. Where does it go in the future? They're making those sacrifices. I think it's time for the government to make some indication it supports them in those sacrifices.

When we look at the kind of support they're getting, when we see that they're \$960,000 in deficit for this year, when we notice that their BIU is 1.3, which is about as low as they can get—well, they can go as low as one—compared to the university funding, and they're lumped in with university funding, we really have to wonder how serious the government is in financing this institution.

Ryerson came to the attention of the public shortly after the Second World War when the veterans flooded back. We discovered that men and women could come back to this country highly motivated, but many of them without too great academic backgrounds, and turn out to be tremendous people that once again have been very good for our country. I would suggest we've got a similar pattern here right now. We've talked about this in your ministry estimates, that there surely is a need in our society now to provide high technology training; in terms of opting in for people who are already out there, people to whom maybe we haven't given a chance, or maybe we haven't offered the right thing to them.

What I am saying overall is that I think Ryerson is a pretty important place. I want to see it run as well as possible. I think the provisions of this bill are going to make it a better place, but it is only going to be a better place if you and your government are equally dedicated to it. If you can match the dedication of the president and the staff of that school, and of the students and of the faculty and of the support staff, if you are as committed to it as they are; if we can take a look at Canada's needs for today and tomorrow and see that a place like Ryerson, and a couple of more Ryersons are going to help meet those needs; then what we are doing will be well worthwhile and I will certainly support you.

Mr. Bounsall: I rise in wholehearted support of this Act respecting Ryerson Polytechnical Institute. First and foremost because it finally assures the formation of a board of governors at Ryerson who, as opposed to the boards we have had there in the past, will be solely dedicated to the best interests of Ryerson. That is very much what we need at that institution. They have grown;

they have prospered; they have made great academic achievements and turned out graduates who are extremely useful to our society—

Mr. Laughren: Right here.

Mr. Bounsall: We have one in our caucus on this row as well, the member for Nickel Belt (Mr. Laughren), extremely useful to our society and among those who have self-fulfilled themselves in spite of some of the machinations which have gone on there.

The previous speaker mentioned the various government appointees to the board who were very closely associated, in one capacity or another, with the present government in power. I think some of them were capable of making good decisions, but I think that sort of close tie-in was a type of tie-in which is not needed at any of our so-called autonomous institutions of post-secondary learning. In fact it acted, I suspect, to the overall detriment of Ryerson in its board decisions.

Here we have a board which will in fact from the composition of it, ensure that the best interests of Ryerson, not necessarily the best interests of the government of Ontario, are first and foremost in their considerations. The addition to the board of three members from the alumni and two members from the academic staff, meaning the members of the support staff bargaining committee, are in fact very worthwhile additions to any board of governors, and in particular this one. That there will also be three members from the teaching faculty and three members from the student body is indeed a welcome addition.

I have read over the submissions by the various bodies at Ryerson, it seems such a long time ago, for the formation of this new board of governors. Some may quibble on that representation, but from my contacts with them I can assure the House that the bill, as presented by the minister, is one on which all sections of Ryerson are indeed happy in terms of how they feel their board of governors should operate. I would say to the minister that in his appointment of the nine members—or the appointment by the Lieutenant Governor in Council—that they do not fall into the errors which they have in the past in appointing people who the government feels they can influence, or who can be counted on to be a mouthpiece of the government if that has in fact been the case. I suspect it has been. I would say to the Lieutenant Governor in Council that she go out of her way for this unique institution to appoint persons who will be sincerely dedicated to the best interest of that very good institution and not ones who will necessarily



be holding the line for the government or giving forth a policy for the government.

I very much regret that this bill was not brought in and debated in this House sooner than tonight. The original date on the bill for the formation of the board was to be November 1 of this year following the elections from those various constituent bodies. The bill was introduced in the spring; it should have been debated then so that this board, a much more dedicated one, could have been in place by now. It should have been debated in July when it was again introduced so that this board could still have been in place now.

I gather that the minister is making an amendment which changes the date on which, following election, the board members will take office. It is to be July 1, 1978. I don't quarrel with that date, because for it to be done any sooner one would have to have elections for the students and the faculty, and some mechanism for the alumni elections, which are impossible, really, at a very much earlier date now.

I regret very much that the minister could not ensure that the bill was in fact debated—not that it being such a good bill it needs much debate in the House, but so that the board could have been in place now.

There are many interesting aspects of the bill on which I could speak at some length, but I rather thought the member who spoke earlier and who was occupying the chair at the start of the debate, was perhaps in tune with the feelings of the House when he indicated that the bill had passed second reading without any comment from this side of the House. He was a bit perceptive about the need to get this bill passed and in operation. Very little in fact needs to be said about a bill which has met with such widespread approval within the institution of Ryerson itself.

The minister has made comments from time to time about this bill not setting a precedent for boards of governors of other institutions. I think he's right in one respect in that statement in that every bill for any institution is a separate bill, brought in on its own and it need not necessarily set a precedent. But the very fact that this is a board which has members of the support staff bargaining unit on it, that provides for parity between students and faculty members, and has the same parity with alumni, is a pattern that is going to be rather irresistible for other institutions which may want to follow the trend. It is a pattern which can be welcomed; a pattern which the minister, as bills come forward for amendment—the University of

Toronto Act, for example, should be before us very soon—a pattern which the minister need not shy away from. In fact the minister can point to this bill as one which met with approval from Ryerson and one which, as far board representation is concerned, could well be followed and not be feared by any other university in this province.

In looking at the bill in terms of comparing it with the other Ryerson bill, the bill under which Ryerson has operated up to now, we can certainly say that the reappointment and re-election clauses are an improvement and certainly reasonable. Two terms maximum before a board member must go off; but here again if you find an excellent board member whose contribution has been superb, after one year that board member may be brought back on.

I think that the provision for vacancies is an improvement over the previous Act under which if a member had, without having had a leave of absence, attended less than a third of the meetings, he would formerly have been off the board. That's now been increased to half. I think that's a valid increase. It means that you really shouldn't be sitting on that Ryerson board unless you are dedicated to doing a job for that board, and the increase to one-half from one-third is a positive step.

[9:30]

Again, the method of filling vacancies when they occur is quite reasonable. The academic council appointed under this particular bill, now that it's finally established, is of course a necessary thing at Ryerson and represents quite a step forward. It is comparable to what one usually refers to as the senate in other universities, but the term "academic council" is much more descriptive of what takes place and less pretentious, and it is to the credit of Ryerson that they call the council that deals with all academic matters an academic council rather than some name which does not aptly describe the function. Of course, the meetings of both the academic council and the board are open to the public.

I just wish to say, Mr. Speaker, a very few words on the situation of Dr. George Korey, knowing full well these remarks are really out of order since we're really speaking on a bill to establish a board of governors and an academic council and the conditions under which they operate.

The situation of Dr. George Korey, who if nothing else it becomes clear is a superb negotiator, is indicative of the fact we needed a board reorganized as it has been in this bill. A board such as this would not have let those conditions develop; it is a board which—



**Mr. Wildman:** Was Alan Eagleson working for him?

**Mr. Bounsall:** —would be more in tune with academic considerations in this province than the previous board must have been when, in 1973, they made the incredible arrangements, of which we are now aware, for and with Dr. Korey for his continued participation at Ryerson.

The question arises, this same board had to do with his termination. I'm not getting down on that board, I don't know what the considerations were with respect to the lump sum payment finally arrived at, \$217,316.32 Canadian funds, pertaining to finally getting rid of Dr. Korey, but I suspect with the problems which may well have arisen if a settlement of this sort had not been arrived at, the legal battles which may have ensued and the time they would have taken from the other proper activities of board members and administrative officers, it might have been relatively cheap at that price. I'm not privy to all the ins and outs, but I can imagine the amount of time spent, the amount of time taken away from other activities in which the board and the administrator should be engaged, which might have occurred if we had arrived at a situation of unpleasantness at Ryerson with respect to this particular person's termination.

I don't pass judgement one way or the other on it, those are just my feelings.

In conclusion, Mr. Speaker, Ryerson is a very typical institution in the province of Ontario. It has tremendous strengths. It has a president who is respected all across Ontario; who is seated in our Speaker's gallery tonight listening to the debate. He is a former member of this House who was well respected in this House while he was here, and he continues to gain respect.

**Mr. Conway:** If you only had him now he might do something with that bunch.

**Mr. Martel:** At least there are possibilities beyond the pale.

**Mr. Bounsall:** The suggestion came from the Liberal critic for Colleges and Universities that here in Ontario, we should develop another couple of polytechnical institutions similar to Ryerson. Ryerson has always done a good job in the past, in spite of its board, in spite of its lack of academic council. We have a bill before us which allows Ryerson to fully develop as a democratic consultative institution within its internal structures, as it should have long ago but is about to as of July 1978.

I would hesitate to try to reproduce anywhere else in this province, by upgrading or otherwise, an institution equal to what Ryerson is at the moment, and will most certainly continue to be. I think we should all rejoice in a bill which gives Ryerson, in every respect, it's proper structure to carry on the excellent job which it has done in the past in full confidence. It will continue to grow and do a most excellent job in the future.

**Mrs. Campbell:** Mr. Speaker, I could not let this event pass without expressing myself.

**Mr. Martel:** Is that in your riding?

**Mrs. Campbell:** Yes.

**Mr. Martel:** I thought it was.

**Mrs. Campbell:** The great institution in the great riding of St. George.

I am here to congratulate the minister in bringing this legislation forth. We have been discussing it for a long time. It seems to me the sooner we pass it, the sooner we may clarify, at least, the issues which still must be faced in the interim in this institution.

It is indeed a great and singular institution in this province. I hope that under the new regime we will never again face the kinds of experiences we have evidenced in the last few years. I, too, want to add my voice in congratulation to the president of this great institution, because he certainly, in my opinion, has pulled a great deal of this place together against rather long odds.

**Mr. Reid:** We like him better now than we did when he was here.

**Mrs. Campbell:** I did not know him when he was here so there are no comparisons to be made.

**Mr. Reid:** He was the only sane NDP member they had.

**Mr. Martel:** Like the only Liberal Labour member in the House.

**Mr. Deputy Speaker:** Order.

**Mr. Martel:** He doesn't know where to sit now.

**Mrs. Campbell:** I would like to point out one of my concerns, and that is the way in which we have dealt with this recent contract, and the way in which we have employed personnel. Mention has been made of at least one position. We went through anguish when we were trying, against what we foresaw in those times to be desperate odds, to save the open college program. I am prepared to welcome the new regime, deeply confident that that sort of dichotomy will never again occur in this institution.

I would add to what my colleague has said by way of training. At this point in time in our history in this province it is a pity as I see it, that we are also having to watch one of the ministries of this government, namely the Labour ministry, import personnel to supervise the occupational health and safety legislation.

**Mr. Reed:** That's a shame.

**Mrs. Campbell:** Surely this is a function that Ryerson could be uniquely prepared to undertake. I also join with my colleagues in this House, both of them, in urging that there should be more polytechnical institutions in this province. I would accept that they should be in eastern Ontario and in the north where we have a great need to develop the skills such as Ryerson had developed, but I would remind those who are so interested in the establishment of those two new institutes that Ryerson is the flagship of them all.

**Mr. Warner:** Mr. Speaker, before I begin, I also wish to pay tribute to a man who was a former member of Parliament, a former member of the Legislative Assembly of Ontario, and who presently is a renowned runner in the city of Toronto as well as being the president of Ryerson, and a man for whom I have a great deal of respect; and who is sitting in your gallery, Mr. Speaker, observing the proceedings.

**Mrs. Campbell:** You are not allowed to do that.

**Mr. Warner:** If cabinet members can do things like that then we mere opposition members can.

The minister, having presented us with some very desirable and long-sought legislation, should now bring back the Act respecting community colleges and amend it accordingly so that at one fell swoop those 22 institutions finally will have represented, at their locations, students, support staff, teachers and other administrative people as well as a real cross-section of the local community involved in the setting of the business of those community colleges.

It's about time—and we have done it here; we have dragged the board out of the closet and we are finally going to be able to see what they do. We are going to have some idea of how they carry on their affairs and we have a little better opportunity now to have some sort of balance.

The kind of situation the member for Kitchener-Wilmot (Mr. Sweeney) raised with respect to a contract, or whatever it happens to be, is the kind of thing that should not happen. It has happened and it continues to

happen because of those patronage appointments and because it's a closed shop. For all intents and purposes it really is a closed shop. The minister finally has opened the door of the closet, because for too long we have been operating in a closet in having those decisions made and people not knowing what's going on. The institution is not able to respond and the community is not really represented.

I know the minister will tell us tonight that we have put token women on boards and we have had token representation from labour in some communities, but he really hasn't had his heart in it. He really hasn't tried to get a cross-section of the community represented on the board. That has got to stop, and the minister now provides an opportunity.

**Mr. Conway:** Are there any good Liberals on there?

**Mr. Laughren:** Name one.

**Mr. Conway:** I am available, Floyd.

**Mr. Samis:** He said a good one.

**Mr. Warner:** We know that—and for free.

I would like to know how the minister intends to carry on from here. He has presented some decent legislation. What will he now do with respect to those other institutions in Ontario? How does he intend to get those other universities to enact the good legislation that's in here? What kind of influence is he now going to use with those other institutions?

We did see the McMaster bill earlier, a year or so ago, where we made some improvements—not enough but some. The improvements, quite frankly, were not as good as what's in this bill dealing with Ryerson, but they were a modest beginning.

[9:45]

I'd like to know what kind of a timetable the minister has set out for himself to bring about the improvements for the remaining universities, and if he is now prepared to deal with that one Act respecting the 22 community colleges, because that is extremely important.

At the same time, I think he should be telling the House what he intends to do to ensure that the kind of contract that was handed out at Ryerson, the kind of contract that even Bobby Orr couldn't get in his heyday, or any other of those overpaid characters, won't be repeated ever again. Because surely the members of this House, and the public members of the boards of these institutions, should not be expected to have to spend their time rooting around trying to find out where they are being ripped off.



Surely that is something that can be stopped right at the outset by the minister himself. I'd like to know what he intends to do to make sure we don't have any more of these economic leeches hanging around. That kind of business has got to stop.

I know the minister is going to acknowledge that the blame comes back to the very beginning of the patronage appointments. What else can you expect when you start filling up those vacancies with defeated Tories? Heaven knows there's enough of them around, but what else do you expect? Or from appointing—somehow it makes a great deal of sense to start appointing to the board of Ryerson or any other place, the heads of corporations, and I don't understand that. Most of those people have never worked a day in their life, but somehow they are going to understand the plight of students. Somehow they are going to understand what the college should be doing in order to educate those students so that they can get a job. Ridiculous.

This bill happens to go a step along the line of eradicating that kind of nonsense. It is a beginning, a modest beginning—a good one, and I applaud it as others have this evening; but it's a beginning. I now want to know what the minister is going to do to follow it up so that this whole business of patronage appointments, of non-representation from the community, can be answered once and for all.

Can it be done in the next two years? I think the minister can do it within two years. I call upon him to do exactly that, so that within two years we have made the kinds of changes that are in this Act apply to every community college and every university in the province of Ontario.

The challenge is there for the minister, if he has the interest and the desire to confront all those defeated Tories.

**Mr. Van Horne:** I support Bill 25 and my comments in support will be brief, however I hope they will be meaningful.

Let me note at the outset that I am proud to say that in the academic year 1951-52 I was a Ryerson student. I am proud to be able to say that those days in the old buildings were rather different, I suspect, from the days a student might experience now at Ryerson. But I did perceive, in those days, a very dedicated staff and a talented student body.

**Mr. Conway:** Obviously.

**Mr. Van Horne:** Ryerson, in my opinion, was good then and it is almost great now, in spite of what I perceive to be some of the

meddling of our present government. It is interesting to note, and I am sure many of you have, that there are apparently more of us on this side of the House who consider this to be an important issue than there are on the other side of the House. Witness the numbers present.

**Mr. McClellan:** Gross indifference.

**Mr. Baetz:** We have quality if not quantity.

**Mr. Breithaupt:** Six are enough.

**Mr. Van Horne:** My colleagues from Kitchener-Wilmot and St. George, and also the members for Windsor-Sandwich and Scarborough-Ellesmere have all spoken very eloquently about the excellence of education at Ryerson and they have brought to our attention some of the political warts on the surface. I would sincerely hope that this bill, and even more important the discussion tonight, will act as a source of motivation for the ministry to make sure the educational process and not the political process is first and foremost in all our minds.

Generally, I think we all concur that the expanded board is a positive move. I do have one or two personal reservations with a section or two of the bill and I would like to at least have this noted on the record. It strikes me, and I say this by way of reservation, that there is a little bit of discrimination in section 4(10), which specifically excludes members from the teaching faculty, administrative staff and the student body from ever being chairman or vice-chairman. One would have to wonder if there isn't a case that could be made for the involvement of these people at least in a compromise position as vice-chairman.

I would suggest, in keeping an eye on the implementation of this bill, that the minister consider the possibility, particularly if there is further recommendation or representation from faculty and students, of a later amendment. I would suggest that we also all have great hope for the academic council and its role. There has been considerable criticism about the apparent lack of planning to meet the needs in our 1977 technological age. My colleague from Kitchener-Wilmot made particular note of that, as did the member for Windsor-Sandwich. I would like to suggest that academic council, in the role as defined in section 10, has a very important part to play in the life of this great institution.

In summary, it is a pleasure to be able to make these remarks in support of this bill.

**Mr. Speaker:** The member for Nickel Belt.

**Mr. Conway:** Now this is conflict of interest.

**Mr. Cureatz:** Where did he graduate from?

**Mr. Laughren:** It was not my intention to take part in the debate, but as another graduate of this fine institution I felt I really should say a few words.

**Mr. Conway:** Was it really that valuable then?

**Mr. Laughren:** Contrary to the opinion of some members of the House, I received a very fine business education at Ryerson. For those of the other parties who think we couldn't run a corner grocery store, I can assure you that I could run a store much larger than that. As a matter of fact, I'd like to run the store called Ontario some day.

**Mr. Cureatz:** Never.

**Mr. Warner:** You guys opposite would sell the store to the Americans.

**Mr. Laughren:** Just give us the chance.

I am very happy, by the way, to see the expanded board and to see what we've always called parity on the board. I can remember the debate back before I even got here. I can remember reading through Hansard, when I was the critic for Colleges and Universities for the New Democratic Party, and reading the rather heated debates over what parity meant and some of the rather strange pronouncements that came from different people in the university community, who should have known better, talking about parity, and from members opposite as well.

I can remember the position of the then minister, I think it was John White, and some of his vacillations on the subject. I can assure you, Mr. Speaker, that we need to approach that kind of co-operation, not only in places like Ryerson but in many other institutions in our society. Other speakers tonight have made the point very well—that it is not something to be feared but rather something to be encouraged, and I think that Ryerson serves as a very useful model.

When I went to be an instructor at a community college in Ontario, because of my background I always had in mind the institution of Ryerson. I think that really was a very suitable model upon which community colleges were built in the province. I think they have contributed a great deal and will continue to contribute a great deal to the educational process in Ontario. So I am very pleased to add my voice of support for this bill.

**Mr. Speaker:** Does any other member wish to get involved in this debate? If not, the hon. Minister of Colleges and Universities.

**Hon. Mr. Parrott:** Thank you, Mr. Speaker. I'll be brief in my reply to the various speakers. When the member for Kitchener-Wilmot got to the middle of his speech this evening I thought perhaps I had misread this House rather badly, that I didn't see the spirit I thought was there; it sort of dissipated for a few moments there.

**Mr. Sweeney:** But true.

**Hon. Mr. Parrott:** But he wound up on the right note, so we'll forgive him all those nasty comments.

**Mr. Conway:** Dentists have such thick skins.

**Hon. Mr. Parrott:** I am very pleased you have admitted that by consultation we have reached the best possible compromise. You know that's high praise for this government, and I don't presume to say that I deserve that myself but it is certainly nice to hear the members opposite say that by consultation we have reached the best compromise possible. I think that should be underlined in Hansard and I am glad to see it on the record.

**Mr. Conway:** It's a rare thing.

**Hon. Mr. Parrott:** Quite frankly, very few of the remarks by the member for Kitchener-Wilmot were on the principle of the bill. I shall not reply, therefore, to those remarks at any length whatsoever.

**Mr. Mancini:** A cop-out.

**Mr. Warner:** What an easy way out.

**Hon. Mr. Parrott:** I am apt to praise the president of the institution, as he holds his office today, in fine style. I am even prepared to forgive him his misspent youth on the benches opposite. I don't think we should hold that against him. Now that he has matured I am sure that he, like you have said, is doing an excellent job as the president of a great institution.

**Mr. McClellan:** What are you going to do when you grow up?

**Hon. Mr. Parrott:** You know, it's just wonderful to stand in this House and have total support from all sides and all members. There is one contradiction, however, that worries me a little bit, and that is members indicated the past presidents were all wrong, past members of the board were all wrong,

**Mr. Sweeney:** I said they were dismissed.

**Hon. Mr. Parrott:** That was the way it came through; and yet at the same time the institution was a great institution.

**Mr. Sweeney:** In spite of it.



**Hon. Mr. Parrott:** I suspect that you know its pretty difficult to separate the presidents and the boards from the quality of the institution today, as you make the point, as it was in the past.

**Mr. Warner:** Kind of like your election. It happened by accident.

**Mrs. Campbell:** The faculty and the students.

**Hon. Mr. Parrott:** I accept your comments that Ryerson is a great institution both today and previously, and I predict it will be a great institution, as great as it is today.

I must take exception to comments, particularly the comments from the member for Kitchener-Wilmot, that Ryerson is the plaything of government; a grossly unfair statement, Mr. Speaker, I think that was entirely uncalled for.

**Mr. Sweeney:** When you interfere that much what else can we think?

**Hon. Mr. Parrott:** Because in my opinion there have been some excellent people serve on that board in the past. There will be excellent people serve on it in the future, and to suggest that this government—

**Mr. Warner:** Name names.

**Hon. Mr. Parrott:** —has considered Ryerson a toy is a great disservice.

**Mr. Sweeney:** You misused it.

**Hon. Mr. Parrott:** No, the hon. member said that, and at great disservice to a fine institution. But I am being a little provocative when I say that and I shouldn't continue on that line.

**Mr. Lewis:** Do you know any members of the board? Name one excellent member of the past boards.

**Hon. Mr. Parrott:** I do want to say though, Mr. Speaker, when we talk about the commitment of the faculty and staff and students, I am not going to deny that for a moment—

**Mr. Lewis:** It is not students.

**Hon. Mr. Parrott:** —but I think this government has always matched the dedication of the students and the staff and faculty. In fact I don't think there is a jurisdiction that has put greater emphasis on post-secondary education than the province of Ontario over the years, and that's as it should be. But I think we can say, on this side of the House, we do match the dedication and the commitment to post-secondary education that we see in the institutions.

[10:00]

**Mr. Conway:** Dream on, Harry, dream on.

**Hon. Mr. Parrott:** I would like to say to the member for Scarborough-Ellesmere that five of the 15 universities have had their Acts updated in recent times. Carleton and York are on their way now; the Toronto Act will be before the House when Dr. Macdonald's committee has reviewed the U of T governing council. So that I don't see a great number of bills coming forward, other than the three I named, in the near future.

There really is very little more for me to say, except to again express my pleasure that so many members of this House have expressed their endorsement of the bill and of the institution. Let it be on the record that this government has always considered Ryerson a unique institution and one that deserves a great deal of praise. I'm sure it will have a continuing history of fine academic record in training people for the various endeavours in Ontario.

During the committee of the whole House, and I hope that's where it might go for a few minutes, there is a very small amendment to change the effective date from November 1977 to July 1978, that I hope we can address at that time.

Motion agreed to.

Ordered for committee of the whole.

#### PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT AMENDMENT ACT

**Hon. Mr. Snow** moved second reading of Bill 84, An Act to amend the Public Transportation and Highway Improvement Act.

Motion agreed to.

The bill was also given third reading on motion.

#### HIGHWAY TRAFFIC AMENDMENT ACT

**Hon. Mr. Snow** moved second reading of Bill 85, An Act to amend the Highway Traffic Act.

Motion agreed to.

Ordered for committee of the whole House.

#### RYERSON POLYTECHNICAL INSTITUTE ACT

House in committee on Bill 25, An Act respecting Ryerson Polytechnical Institute.

**Hon. Mr. Parrott:** The only amendments I have, Mr. Chairman, the critics have notice of. They are to section 17 and section 19.

**Mr. Philip:** I'd simply like to comment to the minister—

**Hon. Mr. Welch:** We are on Bill 25.

**An hon. member:** You are on the wrong bill.

**Mr. Chairman:** This is Bill 25.

**Mr. Philip:** Okay, sorry.

**Mr. Lewis:** It was the House leader's error.

**Hon. Mr. Welch:** Be careful, I will be quoting Dr. Seuss.

**Mr. Lewis:** Oh? That would raise the level of the debate.

On section 1:

**Mr. Sweeney:** On section 1(2), I would like to ask the minister why that section was put in. My understanding is a specific Act always takes precedence over a general Act and therefore it would appear that this section is not necessary. Why is it put in?

**Hon. Mr. Parrott:** I don't think that detracts at all from the bill. I think it clearly identifies that in a conflict the Corporations Act will have precedence, or at least this Act will prevail. I see no problem; I really don't understand the difficulty.

**Mr. Sweeney:** Mr. Chairman, I'm not objecting to it. I just wondered if there was some reason to put it in because I can't see any point to it. All right. Let's leave it at that.

Section 1 agreed to.

Sections 2 and 3 agreed to.

On section 4:

**Mr. Sweeney:** Section 4(1)(e): The terminology used there is "two members elected by the administrative staff from among themselves for a term of two years." Is the term "administrative" used here to include support staff? I understand that's the intent, but I want to be sure the minister means that.

**Hon. Mr. Parrott:** As I go to the definition, I read "'administrative staff' means the full-time employees of the board who are not members of the teaching faculty," and I think what you're saying is correct.

**Mr. Sweeney:** Good. Thank you.

Section 4 agreed to.

Section 5 agreed to.

On section 6:

**Mr. Sweeney:** Section 6(1)(p): We have to go back and check a couple of things. It says the academic council will recommend with respect to such things as degree programs; the board, in consultation with the minister, will in fact accept the program. Just exactly what does "in consultation with the minister" mean, because it is my under-

standing at the present time the minister may in fact decide there shall or shall not be a degree program at Ryerson? Does "in consultation" mean something else?

**Hon. Mr. Parrott:** In this particular institution, the degree-granting portion has always had very limited connotations and to ensure that continues, the Act clearly states it must be "with consultation" rather than in a university community, where that consultation isn't required.

**Mr. Sweeney:** I understand that's been the practice in the past, but now we are legitimizing and legalizing the academic council and if I may move ahead, just to illustrate the point, to section 10(c) and then again subsection (h), it would appear the new academic council has expanded powers and duties beyond what the old board had. At least that would be my interpretation. That's why I'm asking whether in fact, Ryerson is entering a different kind of era than in the past with respect to its own autonomy to decide whether or not it shall have a degree program.

**Hon. Mr. Parrott:** Not with reference to degree programs.

Section 6 agreed to.

Section 7 agreed to.

On section 8:

**Mr. Sweeney:** Section 8(3) is a new item: "The board shall make available to the public an annual report including an annual financial report in such form and manner as the board may determine." Given some of the difficulties of the past, why would the board make that decision rather than the minister?

**Hon. Mr. Parrott:** In section 8(1) we are in a position where we can ask for the financial report. The key words in subsection 1 are "financial report." It's quite conceivable that the board might wish to have additional information for the public in addition to the annual financial report; so it gives the board an opportunity to make a fuller report if they so wish. Obviously the minimum is a financial report, which is required by the ministry.

**Mr. Sweeney:** I appreciate the point the minister is making in subsection 1, but under subsection 3 does that mean that if the board were to make information available to the public in such a form that was unacceptable to him and his ministry, that there is nothing the minister could do about it?

**Hon. Mr. Parrott:** I think we're getting into the area of institutional autonomy. Our main concern, and rightly so, should be the



financial report of that institution. There are many other matters which are not necessarily under the jurisdiction of the ministry, and I don't think that we should put into the Act the restriction that it would be our requirement for the type of information that must be supplied. If we're going to give the board the accountability and responsibility that they have under the Act, then we should give them this leeway.

Section 8 agreed to.

Sections 9 to 16, inclusive, agreed to.

On section 17:

**Mr. Chairman:** Hon. Mr. Parrott moves that section 17 of the bill be amended by striking out "November 1977" in subsections 1, 2, 3 and 4 and inserting in lieu thereof in each instance "July 1978."

Motion agreed to.

Section 17, as amended, agreed to.

Section 18 agreed to.

On section 19:

**Mr. Chairman:** Hon. Mr. Parrott moves that subsection 2 of section 19 of the bill be amended by striking out "November 1977" in the second line and inserting in lieu thereof "July 1978."

Motion agreed to.

Section 19, as amended, agreed to.

Section 20 agreed to.

Bill 25, as amended, reported.

**Hon. Mr. Snow:** Mr. Chairman, we were going so fast a few moments ago that we seemed to have slipped through third reading of Bill 84. I find that I have a very minor amendment which I agreed to introduce. I would like to ask the concurrence of the House to deal with both Bill 84 and Bill 85 in committee.

**Mr. Breithaupt:** We are prepared to agree, Mr. Chairman.

**Mr. Lewis:** You don't hear anything from me.

[10:15]

**Mr. Chairman:** I would have to ask the House to reconsider that. I just don't know if the committee has the authority to do that or not.

**Mr. Lewis:** I think we would have to ask for unanimous consent.

**Mr. Philip:** Mr. Chairman, I think we have consent on that with your permission.

# HIGHWAY TRAFFIC AMENDMENT ACT

House in committee on Bill 85, An Act to amend the Highway Traffic Act.

**Mr. Chairman:** Any comments, amendments on any section?

On section 1:

**Mr. Philip:** I am particularly pleased to see section 1 of this bill. The minister will recall that the previous member for Durham East and I brought up this whole issue of medical records in April. We were very concerned about what would happen about the privacy of the medical records. The minister fairly promptly responded then that action would be taken to safeguard the privacy of the individuals and we appreciate the sensitivity that he has shown in bringing in this bill, and then in handling it in section 1.

I am still not convinced, and I might add neither are a good many of the trucking companies or their drivers or their personnel, that it is necessary for the MTC to still collect this data, and why it wouldn't be sufficient to simply set standards and to have a medical practitioner certify that the person concerned then came up to the standards. However, be that as it may, certainly we agree and we are very supportive of the intent of section 1. We welcome the fact that the minister has responded to this.

The only other item that I will have to bring up is some question on section 15 unless there is someone who wishes to speak on a section earlier to that.

Section 1 agreed to.

Sections 2 to 14, inclusive, agreed to.

On section 15:

**Mr. Philip:** My understanding of the definition of a highway was that this could include concession roads. Many farms have had roads pushed through their property as the area gradually changes from being a rural farm area to suburban or sometimes rural residential. My concern is with subsection 2. I wonder if the minister would comment on the necessity of having animals deprived of using the highways in certain municipalities, where, perhaps, cottagers or residents from urban areas may in fact be able to control councils. Would this not present a problem to the original rural inhabitants? Would he be willing to consider at least deleting that one small section of the subsection?

**Hon. Mr. Snow:** This amendment involves the deletion of the words "on which the maximum speed limit is 50 miles per hour." At present, a municipal council can pass by-laws to prohibit certain vehicles, animals, et cetera, from using a highway under its jurisdiction on which the speed limit is 50 miles per hour.

This reduction or deletion of the speed

limit gives the municipality the same right to limit the use of that highway, for instance, if the speed limit happened to be 40 miles per hour. From experience, not necessarily with all roads but most of the rural roads that we are concerned with as far as animals are concerned, the speed limit would have been 50 miles per hour in any case and the municipalities, the townships, already have that right.

The purpose of this particular amendment is to allow more built-up municipalities to control the use of vehicles on those of their streets that may have speed limits of less than 50 miles per hour, such as not allowing bicycles or other types of vehicles on a particular street. I don't anticipate there would be any problem for any rural municipalities prohibiting animals, because in most cases they can do it now since most of the roads have 50 miles per hour limits.

**Mr. Philip:** With all respect, one can understand why the minister would want to prevent horses and cows from running down the streets of Etobicoke. However, in those transitional communities and where farming is active this will pose a problem to the local farmers.

It's a concern that I checked out with some people at the Ontario Federation of Agriculture. They, in turn, expressed some concerns on that one particular item that it would cause problems for some of their members. I am wondering if perhaps in this one case then that the minister might consider deleting the word "animals" from that section.

**Hon. Mr. Snow:** There has been a communication from the Federation of Agriculture to the ministry. I was not aware of it until this moment. Certainly it is not the intention of this amendment to interfere in any way with the agricultural community or with a farmer from moving his animals from one side of the road to another. As I say, in most cases a rural municipality could do this now because most of the roads have a 50 miles per hour limit. I just can't envisage any municipality passing a bylaw that would prohibit the movement of animals on a rural road.

I can see a municipality passing a bylaw where it would want to limit or prohibit animals, oxcarts or whatever it might be from travelling on Yonge Street. At the present time, they could not do that because Yonge Street doesn't have a 50 miles per hour speed limit.

I can understand the hon. member's concern, but certainly there is nothing intended here to do that. If we were to

remove the word "animals" from the regulation, then that would not allow a municipality to prevent someone driving a herd of animals down the main street of a municipality.

**Mr. Philip:** I don't want to prolong the debate because I recognize that it may not be a matter of immediate provincial importance. However, could the minister not simply handle that problem by simply adding the word "non-farm animals"? That would get away from the problem of people driving oxcarts and things like that down the streets of Toronto.

**Hon. Mr. Snow:** I still say that does not serve the purpose that is intended here—to give municipalities the same power to control animals on a 30 miles per hour road as they presently have on a 50 miles per hour road. Certainly the necessity for this control is more so in a 30 miles per hour zone than in a 50 miles per hour in a built-up municipality.

Section 15 agreed to.

Sections 16 to 18, inclusive, agreed to.

Bill 85, as amended, reported.

**Hon. Mr. Welch** moved the committee rise and report.

**Mr. Philip:** Point of order, Mr. Chairman, before that motion is put, I understand that the minister had an amendment to make to Bill 84.

**Hon. Mr. Welch:** You will have to go back into the House.

**Mr. Lewis:** You forgot another one. That is what I told you. You are just not a very competent fellow—you are well meaning and earnest but bumbling.

**Mr. McClellan:** You couldn't run a peanut stand.

**Mr. Lewis:** You have never met a payroll on Main Street—you can tell that.

**Mr. Chairman:** Is there a further amendment to Bill 85?

On section 19:

**Mr. Chairman:** Hon. Mr. Snow moves that subsection 1 of section 19 be amended by inserting after section 7 in the first line "16" and that the said section 19 be further amended by adding thereto the following subsection:

"(3) Section 16 comes into force on a day to be named by proclamation of the Lieutenant Governor."

Section 19, as amended, agreed to.

Bill 85, as amended, reported.



On motion by Hon. Mr. Welch, the committee of the whole House reported certain bills and asked for leave to sit again.

Report agreed to.

### THIRD READING RESCINDED

Hon. Mr. Welch moved that the third reading of Bill 84 be rescinded.

Mr. Speaker: As you know, this is a departure and we don't want it to be taken as a precedent in this House. It just highlights the need for members and ministers to pay attention.

Do we have unanimous consent? If we have unanimous consent, it's in order for you to move the amendment.

Motion agreed to.

Hon. Mr. Welch: The minister can now move the amendment that he proposes to Bill 84.

Mr. Lewis: This is a humiliating night for the government.

Hon. Mr. Snow: I apologize for this but this is a minor amendment which has been discussed. I'm not sure it's necessary but to alleviate any concerns I would like to move it.

Hon. Mr. Snow moved that subsection 2 of section 7 be struck out and the following inserted in lieu thereof: "(2) Subsection 3 of the said section 91(a) is amended by striking out 'to a municipality' in the first line and by inserting 'in lieu thereof pursuant to an agreement under subsection 2' and by striking out 'by the municipality' in the second line."

Mr. Makarchuk: That is very clear.

Mr. Riddell: Let's have an explanation.

Mr. Speaker: Do you want to dispense with the reading of it by the Chair? Is it understood?

Mr. Philip: We appreciate the amendment. In conversation with the minister before the bill was introduced, in lieu of my introducing a different amendment that attempted to do the same thing and to clarify an area we thought was not completely clear, he agreed to introduce his own amendment. His own amendment suffices to do that. So we are in support of the amendment.

Amendment agreed to.

### THIRD READINGS

The following bills were given third reading on motion:

Bill 84, An Act to amend the Public Transportation Highway Improvement Act.

Bill 25, An Act respecting Ryerson Polytechnical Institute.

Bill 85, An Act to amend the Highway Traffic Act.

Hon. Mr. Welch: Before moving the adjournment, because this is a change from the program that was announced last Thursday, we will take into consideration tomorrow afternoon the private member's motion standing in the name of Mr. Germa, being notice of motion No. 11.

On motion by Hon. Mr. Welch, the House adjourned at 10:30 p.m.

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# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition

**First Session, 31st Parliament**

Wednesday, November 9, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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# LEGISLATURE OF ONTARIO

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WEDNESDAY, NOVEMBER 9, 1977

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### SALARY INCREASES

**Hon. Mr. Auld:** Mr. Speaker, I am pleased to announce that a tentative settlement was reached last night between the government and the Ontario Public Services Employees Union on salary increases for bargaining unit employees in the administrative services category.

This is one of the three contracts which expired on September 30 last.

The agreement was arrived at with the help of a mediator appointed by the Ontario Public Services Labour Relations Tribunal, and, if ratified by the employees concerned, will provide increases ranging from 6.1 per cent for the highest paid employees in the group to 8.6 per cent for those in the lowest salary range. The average cost of the settlement is approximately 7.1 per cent and is within the limits established by the Anti-Inflation Act.

### INDUSTRIAL MILK REGULATION

**Hon. W. Newman:** Mr. Speaker, I had intended today to make quite a lengthy statement. With your approval, I will table my lengthy statement and stay with my short statement.

I wish to inform the members that I have reached an agreement with the Mennonite Central Committee regarding concerns of the Old Order Amish about the can-to-bulk conversion for industrial milk.

Members may recall that when this question first arose, we suggested two alternatives, namely the conversion to cream shipping only or the building of communal bulk tanks off the farm. Although the communal tank was initially accepted, it later ran into problems. Throughout this entire time I have conducted informal talks with the Mennonite Central Committee, and during one of these informal talks a point was raised that seemed well worth pursuing.

According to the committee, there was no objection to the use of gasoline or diesel-powered engines. I discussed the use of this type of engine for the cooling of a bulk tank with the Ontario Milk Commission, which agreed that this arrangement would meet the intent of the health regulations.

I was about to announce that we were prepared to amend the regulations to allow for this type of tank on October 27. That was the day, however, when the Amish launched their appeal with the cabinet. Instead I announced the postponement of the implementation of the regulation.

In the last week the Premier (Mr. Davis) and I have met with Mr. John Laskin and Mr. Ian Hunter, the official legal representatives appointed by the Mennonite Central Committee to represent the Amish. I myself met with the Amish in Kitchener on the weekend and I'm happy to say that a solution acceptable to all is in sight.

The Amish have informed me that our proposal that they operate their bulk tank by direct-drive gasoline or diesel-powered engines has met with the approval of three of the five Amish communities concerned. The other two are not opposed. They have some reservations but are mainly concerned with whether to switch to cream shipping or to bulk shipment.

The importance of this development is two-fold from the point of view of the Amish community. It means that they can continue to operate their dairy farms without electricity. It also laid to rest their concern about the survival of their family farms and their ability to pass farms from father to son.

I have asked the Ontario Milk Marketing Board to meet with the Amish to discuss their concerns about the handling and marketing of their milk. I have also informed the board that I would be prepared to accompany the Amish to this meeting. The board has agreed to a meeting, scheduled for later this month.

From the outset of our discussions we have endeavoured to explore every possible alternative. This government does not have to be reminded of the valuable contributions made by the Amish to the social fabric of this province. Our problem was finding a solu-

tion that would safeguard provincial health standards and would not cause undue hardship. Mr. Speaker, we have met both these objectives.

## ORAL QUESTIONS

### NUCLEAR WASTE

**Mr. S. Smith:** I have a question for the Minister of Energy. It's not so bad, Jim, relax.

**Mr. Lewis:** Relax? He's almost comatose.

**Mr. S. Smith:** Is the minister aware of proposals of the Atomic Energy Control Board to the federal government suggesting that the federal government establish a separate arm's-length-away agency to handle nuclear waste? Does the minister not feel, as I do, that the provincial government should have some involvement with any such proposals, in the sense of a federal-provincial secretariat or a federal-provincial agency of some kind to handle the matter of nuclear wastes? Is this not the time to get involved in those discussions now that the matter is just at the proposal stage, so that we in this province, with our great concern for the environment—as has been demonstrated with our Port Hope problems and, of course, the near problem at Madoc and so on—could make that suggestion and be involved with the federal government at the planning stage of the nuclear waste agency?

**Hon. J. A. Taylor:** Yes, Mr. Speaker, I guess I'm as familiar as the Leader of the Opposition with the recent news report. May I say that my ministry is in continual touch in that regard and we have done considerable work in connection with the overall concept of waste management and the different aspects of it.

**Mr. S. Smith:** Supplementary: Would the minister to some extent be willing to take us and the public into his confidence and let us know what proposals he and his ministry have made to the federal government, and whether they are, in fact, planning a submission at this time so as to make the proposed nuclear waste agency truly a federal-provincial one, rather than leaving it totally and completely under the auspices of the federal government, despite what the laws happen to be at the time?

**Hon. J. A. Taylor:** May I inform the Leader of the Opposition and the House that this whole area concerned me shortly after becoming Minister of Energy, especially as it focused on a site near Madoc for waste management. When I looked at the back-

ground of that I very quickly made a decision that this was not the way to proceed. We had the AECL at the federal level and, of course, Ontario Hydro at the provincial level, two Crown agencies that might very well be running ahead of government insofar as government had not determined what its policy would be.

I called the federal minister, Mr. Gillespie, and made arrangements to see him in Ottawa in connection with that. I brought to his attention my concern and suggested we might define our respective roles and responsibilities in connection with this area. That proposition was accepted at the federal level. Since then, we have been working in this whole area. As members can appreciate, there is a mixed jurisdiction and it is necessary to determine what provincial responsibilities are in regard to the fact that we in this province, through Ontario Hydro, are a large consumer of uranium.

**Mr. Conway:** Supplementary: I wonder what the minister has to suggest to the people in the Chalk River area, for example, who are receiving much of the nuclear waste of this particular province and what specific proposal he might bring to the federal Minister of Energy to prevent a situation occurring in the future that forces such extraordinary cost upon the people of this province in terms of carrying that waste such a great distance. I think the cost is well over the \$1-million mark right now. I am wondering what specific proposals the minister might have to prevent that kind of costly situation from recurring?

**Hon. J. A. Taylor:** I think our major concern in Ontario is the waste and irradiated fuel that results from the utilization of natural uranium in our reactors. I think that is the big problem and we have facilities to accommodate that on our sites so that it is not a question of transferring great volumes of waste or irradiated fuel to Chalk River.

If one transports the irradiated fuel, for example, to a central site or interim storage or long-term storage, the handling is going to run into a considerable amount of money. There is no question about that. It's a cost that I think is incidental to our use of uranium and which we can accommodate. But the member should remember we have quite an investment in this province in irradiated fuel. It's not a liability. It's really an economic asset.

**Mr. S. Smith:** Could I ask one more supplementary to this question which comes from the last words? If the minister regards irradiated fuel as an asset, do I take it then he is



in support of the idea that we should reprocess this fuel for further use in more advanced reactors? If so, would he please make that clear as government policy because I would certainly take issue with him?

**Hon. J. A. Taylor:** There is no government policy developed as yet on reprocessing.

**Mr. Warner:** On just about anything.

**Hon. J. A. Taylor:** It's a policy that would have to be enunciated by the federal government. As the Leader of the Opposition may know, there was a meeting of seven nations in London on May 7—Prime Minister Trudeau was there—at which time it was agreed to make a study in connection with advanced fuel cycles and the aspect of reprocessing. It was expected that would defer the decision for about two years.

[2:15]

I say it's an asset because there are certainly countries in the world that do reprocess. England reprocesses at Windscale and France reprocesses. I think Windscale has lost some business because of events there. Japan, for example, has given probably half of its business to France rather than to England. That is a loss of business. I'm sure that Windscale, for example, would consider reprocessing of our fuel if we made that overture. It could very well be that the reprocessed fuel could then be sold to other nations which have a need for it, because there are over 40 nations in this world that are using uranium in the generation of electricity. What I'm saying is that there really is an asset there.

**Mr. Reed:** Supplementary: Since there is obviously, according to the minister, a cost factor involved, either positive or negative as the case may be depending on government decision, will the minister make sure that Ontario Hydro includes cost of this kind of waste disposal in its nuclear generation program, so that the true cost of this nuclear program is figured into Hydro's price of power generation?

**Hon. J. A. Taylor:** I'm sure that the cost of fuel and fuel management would certainly be factored into the cost of production of electricity through nuclear reactors. May I say, though, that fuel as a percentage of cost of the electricity in a nuclear plant is about three-quarters of one per cent, as opposed to 21 per cent of the total cost of production of electricity by coal.

**Mr. Speaker:** We've spent 10 minutes on that question.

## INDIAN COMMUNITY SECRETARIAT

**Mr. S. Smith:** I have a question for the minister in charge of interministerial co-operation with regard to Indian affairs. I guess that would be the Provincial Secretary for Resources Development. Is the minister able to tell us what has happened in the Kenora office of the Indian community secretariat? Is he able to tell us why it is that a staff of five people has dwindled due to resignations until the only person there is a secretary-receptionist who from time to time answers the phone? What happened to this vaunted notion of interministerial co-operation and this marvellous secretariat that the government was setting up?

**Hon. Mr. Brunelle:** Mr. Speaker, I'm just aware that there was one vacancy. One of the senior persons has left for another position that he accepted in the province of Manitoba where the remuneration was higher. I am not aware that there is such a shortage of staff as the hon. Leader of the Opposition mentions, but I'll be pleased to look into it.

**Mr. S. Smith:** When he's looking into it, can the provincial secretary comment on the charge that's been made by the person who left that there was really no interministerial co-operation allowing meaningful development in that area, and can he, in fact, explain to this House how it is that this vaunted idea of an Indian community secretariat has been allowed to dwindle down to the point where it has neither personnel nor function?

Is he doing anything with regard to the devastated economy of that area consequent upon the mercury pollution which has occurred, and what is the policy of this government with regard to the Grassy Narrows and Whitedog reserves, given the fact that their economy has been devastated?

**Hon. Mr. Brunelle:** As far as the services to native people in northern Ontario are concerned, I'm not aware that there has been a deterioration of services. The services are still being provided. As for the Grassy Narrows and the Whitedog Indian reserves, the fish-for-food program is still in effect, it is still being done and there are various programs, as the hon. Leader of the Opposition probably knows. There is an interministerial committee, federal and provincial, which has been working with the native people of those two Indian reserves on various programs. I'm not aware of any of the problems that the leader refers to.

**Mr. Lewis:** Mr. Speaker, may I ask a supplementary, coming right back to the first question which the Leader of the Opposition



asked? Is it true that the government has farmed out by way of private contract to a management consultant firm a review of the Indian development secretariat in the Ministry of Culture and Recreation to which the member for Hamilton West referred? Can he table the terms of reference of that review of the Indian community secretariat in this Legislature, and can he tell us which of the native people's groups the management firm has discussed these matters with?

**Hon. Mr. Brunelle:** The Indian community secretariat comes directly under the Ministry of Culture and Recreation. I am aware that there is an internal review of the secretariat. However, I do believe it is up to that minister to make that information available to the hon. member.

**Mr. Lewis:** By way of supplementary, the provincial secretary is the minister co-ordinating all of these matters as I understand it. Is it true that he has hired a private management consultant firm to review the activities of the Indian community secretariat and its future?

**Hon. Mr. Brunelle:** That could well be.

**Mr. Lewis:** You don't know?

**Hon. Mr. Brunelle:** I don't know.

**Mr. Warner:** Right on the ball.

**Mr. Lewis:** Neither do I, but I am asking.

#### VENTURE INVESTMENTS BY INCO

**Mr. Lewis:** May I ask a question of the Minister of Industry and Tourism? Has the minister been in touch with Inco about the amounts of money which Inco is investing in venture capital undertakings and the areas where those investments may take place?

**Hon. Mr. Bennett:** I'm not aware of the venture capital investments that the hon. leader of the NDP refers to. If there is one, we'll take it under advisement in the ministry.

**Mr. Lewis:** By way of supplementary, does it not strike the minister as peculiar that Inco, this company in so much economic difficulty, has all kinds of money, apparently millions of dollars, to invest in venture equity capital right now on the marketplace, advertising, none of which is to be directed towards the Sudbury basin? Can the minister explain that?

**Hon. Mr. Bennett:** No, I cannot.

**Mr. Warner:** You're too busy travelling.

#### WORKMEN'S COMPENSATION BOARD

**Mr. Lewis:** May I ask a question of the Minister of Labour? Does the Minister of Labour know that Michael Starr, the chair-

man of the Workmen's Compensation Board, is now publicly on record as saying that the Workmen's Compensation Board will probably be replaced in the future with a universal insurance scheme in the province of Ontario?

Interjections.

**Mr. Lewis:** Since on this one occasion I am prepared to attribute to Mr. Starr prophetic wisdom, may I ask the minister whether that mirrors government policy since he stated it categorically?

**Hon. B. Stephenson:** I think the chairman of the Workmen's Compensation Board was expressing a personal view related to his experience and the knowledge that he has gained in his present role—

**Mr. Wildman:** He wants to get out of it.

**Hon. B. Stephenson:** —and examining the experience of those jurisdictions which have moved in this direction. I think he is suggesting that several light years down the road this sort of thing might happen in Canada as well.

**Mr. Swart:** It will be with you.

**Mr. Conway:** That's the speed.

**Hon. B. Stephenson:** I'm not sure that he was saying that specifically about the province of Ontario.

**Mr. Wildman:** That's the speed at which your government goes.

**Hon. B. Stephenson:** But I think he feels that this is the direction probably in which movement will take place in the future.

**Mr. Roy:** He is very prophetic about the government.

**Mr. O'Neil:** I wonder if I could ask the Minister of Labour what her views are along this line?

**Mr. Lewis:** That is what I thought I asked.

**Hon. B. Stephenson:** No, that isn't the question that the hon. member for Scarborough West asked. I am very interested in watching carefully—

**Mr. Samis:** In the fullness of time.

**Hon. B. Stephenson:** —the experience which has been gained in New Zealand, the one jurisdiction which has moved specifically in that direction. There are so many problems with that program right at the moment that it is, I gather, a little bit dubious whether it may survive.

**Mr. Lewis:** Slander. Shame, shame. Michael Starr knows better.

**Hon. B. Stephenson:** No, that's entirely true. None the less, this is an interesting



experiment which I think is going to be of great value to all jurisdictions—

**Mr. Warner:** Get moving along with it.

**Hon. B. Stephenson:** —which have to deal with this kind of problem. I think it's the kind of information which will be invaluable to us in developing future programs.

**Mr. Laughren:** In view of the fact that the chairman of the Workmen's Compensation Board has admitted there needs to be some kind of umbrella protection for people in the province, I'm wondering whether or not people within the Labour ministry or at the board are investigating, along the lines that the Saskatchewan people did, the possibility of establishing this in the province of Ontario, and to not dismiss the whole question out of hand?

**Hon. B. Stephenson:** There was no intention on my part to dismiss this out of hand. As I said, we are watching with great interest the developments of similar programs in other jurisdictions.

**Mr. McClellan:** You said light years.

**Hon. B. Stephenson:** They have met, as I said, many problems in trying to develop these programs. I think we can gain a good deal of knowledge from their experience in this field and we shall continue to watch them carefully.

**Mr. Haggerty:** I would like to direct a question to the Minister of Labour. Can she recall about a year ago last December a resolution passed in the ministry's estimates, and adopted by the ministry, that a study be initiated to cover this particular area of a comprehensive plan for injured workers in Ontario? I believe that she said, based on a letter that I had directed to her, that the study would be completed by June of this year. Is that study now completed?

**Hon. B. Stephenson:** No, Mr. Speaker, it is not. One preliminary report has been received. I anticipate that we will have the total report by the middle or the end of December of this year.

**Mr. Laughren:** Do the Liberals support this?

**Hon. B. Stephenson:** Indeed, the direction which was given to us during those discussions by that resolution will have been completed by that time and we shall have a report.

**Mr. Reid:** Will you table the report?

**Hon. B. Stephenson:** Oh, I would think so. Interjections.

**Mr. Reid:** Will you table the report?

**Hon. B. Stephenson:** Mr. Speaker, I would be very pleased to take that under consideration.

# BROWNDALE

**Mrs. Campbell:** Mr. Speaker, my question is to the Premier. Is the Premier aware that an opinion from Mr. Scullion, the acting deputy director of the Crown law office, has totally blocked my efforts to properly review the Community and Social Services estimates, specifically the amount of money expended on Browndale, Ontario? And that the minister, citing this opinion, has even refused to tell the committee how much money is currently flowing to Browndale including any information as to the present per diem? Would the Premier undertake to have this matter reviewed to ensure that we are able to receive at least the information pertaining to the present budget in that ministry or being reviewed in that ministry?

**Hon. Mr. Davis:** I am not aware of any legal opinion that has been given on this matter but knowing the objectivity and the fair-mindedness of the hon. member for St. George and her own respect for legal opinions and the process of law, I'm sure that she must want to be guided, as is the ministry, by these legal opinions. I'd be quite prepared, short of giving a legal opinion of my own, which I'm always very reluctant to do—

Interjections.

**Hon. Mr. Davis:** I don't want to answer all these interjections. I would only say to the member for Ottawa East that if I really were in a position of choosing a legal opinion from the Attorney General or from the member for Ottawa East—

**Mr. Roy:** My record is better than his.

**Hon. Mr. Davis:** I know something of the member's record in the courts and he has lost more than one case.

Interjections.

**Hon. Mr. Davis:** Listen, in the good old days he even lost some very easy prosecutions. Any assistant Crown Attorney out of Osgoode could have had them.

**Mr. Roy:** I am not even a QC and I value my opinion better than his.

**Mr. Speaker:** Back to the question, please.

**Hon. Mr. Davis:** I'm sorry, Mr. Speaker, I was diverted. I will say this to the member for Ottawa East, he certainly has been in the courts more recently than the Attorney General or myself—probably like yesterday.

**Mr. Roy:** That is right. I am in shape—in great form.

**Hon. Mr. Davis:** I will be delighted to look into this for the hon. member.

[2:30]

**Mrs. Campbell:** I have a supplementary, Mr. Speaker. In view of the fact that the government's refusal since 1974 to answer questions regarding Browndale finances represents stonewalling which pre-dates the police investigation by nearly two years, would the Premier not agree that the opinion from this office is now being used to add legitimacy to the cover up of this subject? Can he assure us that when the police finally dispose of their investigation we will obtain the information we are seeking and that all papers, records and documents pertaining thereto will be preserved pending that information being given?

**Hon. Mr. Davis:** I think the hon. member started out her semi-question statement by saying "would the Premier not agree." I guess I can give a very simple answer to that, Mr. Speaker: Yes, the Premier would not agree.

**Mrs. Campbell:** I have a supplementary: Would the Premier at least go as far as to assure this House that he will see that all the documents and papers referring to this particular item will be preserved and available to us following the completion of the investigation by the OPP?

**Hon. Mr. Davis:** I can't undertake things that are not within the purview of the government or the ministry. That would be, I think, an unfair commitment to give or for the hon. member to ask. She is asking if there are any documents, or whatever it is that she would love to get her hands on, and I don't even know what they are, Mr. Speaker.

Certainly I do my best to please the hon. member on all issues, as she well knows—that is all issues raised here in the House. I certainly would undertake that any documentation in the ministry will not disappear. I can't account for documents that might appear in some brown envelope under the hon. member's door; I can't control that sort of situation. But certainly I will make every effort to see that there isn't a disappearance of these documents that the hon. member is so anxious about.

#### ACTIONS OF POLICE AT BURLINGTON

**Mr. Deans:** I have a question for the Solicitor General. Is the Ontario Police Commission currently investigating, or are they about to investigate or have they been asked to investigate, the alleged brutalities being undertaken by the Burlington city police and

Burlington regional police? In particular, would the minister look at the news story reported in yesterday's edition of *The Spectator* with regard to some statements made by a Roy Murden, which seems to indicate that he, having been a policeman in Burlington, had taken part in some rather serious brutality on a number of people who had been arrested by the Burlington police?

**Hon. Mr. MacBeth:** I thank the member for Wentworth for drawing this to my attention. I can't tell him whether the OPC has or has not been asked to investigate the matter but I will certainly read the article. I am not aware of it but I will make myself aware of it and report back to him.

**Mr. Deans:** One supplementary question: Would the Solicitor General direct himself particularly to the statement by Mr. Murden that although he agreed to discuss his tactics he would not be specific about names and dates because he could still be liable to criminal action? Would the minister also determine whether in fact there are people who have been severely treated by Mr. Murden or others, and look back into the files of the Solicitor General's office to complaints which I registered about two years ago with regard to the Burlington police actions—I can't remember the exact date—to determine whether this is an on-going problem?

**Hon. Mr. MacBeth:** We will do that, Mr. Speaker.

**Mr. Roy:** Supplementary, Mr. Speaker. Dealing with accusations of police brutalities and citizens' complaints, when are we going to see that legislation dealing with citizen—

**Mr. Speaker:** No, the original question was very specific about an incident in Burlington.

**Mr. Roy:** That would apply to the Burlington citizens complaint bureau.

**Hon. Mr. Davis:** That is why you lose cases.

**Mr. Speaker:** Order.

#### COFFEE COMPANY DISPUTE

**Mr. Ashe:** I have a question for the Minister of Labour.

**Mr. Germa:** Another setup.

**Mr. Conway:** Just remember to be diplomatic.

**Mr. Wildman:** Where is John Williams?

**Mr. Ashe:** There has been a rather lengthy strike that has been taking place in my riding, and I would just like to ask the minister what the current status is of the strike situation regarding the Sandra Instant Coffee Company in Ajax?



**Hon. B. Stephenson:** Mr. Speaker, I am delighted, after a very difficult period of time, to announce that our disputes advisory committee was successful last evening and that, indeed, a settlement was reached which was ratified by both parties this morning.

Interjections.

**Hon. Mr. Rhodes:** Are you sorry you told them?

**Mr. Speaker:** If the hon. Minister of Housing will come to order he can answer that question that was asked yesterday.

### OHC LAND SALES

**Hon. Mr. Rhodes:** Thank you very much, Mr. Speaker. Yesterday the hon. member for Oshawa asked if I would tell him and the House how much money the ministry had received through the sale of land.

To date, we have marketed land for 717 residential units in eight municipalities, and, given the current market conditions, by the end of this fiscal year we expect to have marketed land for about 2,400 units. At this volume of residential land sales, together with any attendant commercial, industrial and institutional land sales, we would expect cash flow on the profit side during this fiscal year of about \$1,432,000.

**Hon. Mr. Davis:** That surprises the member, doesn't it?

**Mr. Breaugh:** No, it is nice to see that if we are going to speculate we can make some money from it. By way of supplementary, could the minister now clarify exactly how he will use that money for further housing programs? How does he intend to make that work?

**Hon. Mr. Rhodes:** As the hon. member knows, and I think fully endorses and supports, there are a number of fine programs within the ministry that require funding. This money is being realized on these land sales and will be used to apply to various housing programs—

**Mr. Breaugh:** Like what?

**Hon. Mr. Rhodes:** —some of which are doing an excellent job in his own riding at the present time.

**Hon. Mr. Grossman:** Unlike the member.

**Mr. Breaugh:** I know that the minister is a wonderful person and everything he does is wonderful, but could he be just a little more specific? Is he prepared to take that \$1.4 million and reinvest that in the kind of employment programs, like we do with home renewal, that might assist us in the unemployment problems we are having this winter?

**Hon. Mr. Rhodes:** The money we would realize would be invested in such programs as home renewal and others which require substantial funding and that would, of course, assist in the employment problems throughout the province.

**Mr. Lewis:** May I ask a supplementary, Mr. Speaker?

**Hon. Mr. Grossman:** Maybe you could do better.

**Mr. Lewis:** Since, as I recall, in this House just a week or two ago the minister was going to make what he calls a profit on the cash flow side of some \$3 million in the Kitchener area alone, where is the ministry losing money, which is an unusual phenomenon?

**Hon. Mr. Rhodes:** I think the hon. member realizes that in the case of Kitchener we were talking about a prolonged period of time for the sale of the total number of acres, which was 300-odd acres of land. This is in this one fiscal year.

**Mr. Sweeney:** Supplementary: Given that the minister has indicated he is not prepared to sell land at cost because he doesn't want the initial buyer to be able to reap a profit by then selling it at market value, has he considered instead a forgivable mortgage for that differential between the ministry's cost and the market value, say spread over 15 or 20 years, which would guarantee that the original buyer would not be able to sell for a profit because the ministry could continue to hold that mortgage, and thus permit many more families to be able to afford a home of their own? Has he considered that as an alternative?

**Hon. Mr. Rhodes:** No, I have not.

**Mr. Sweeney:** Would he?

**Hon. Mr. Rhodes:** I am prepared to consider any suggestions that seem to have some reason to them, yes.

### LOTTERY GRANTS

**Mr. O'Neil:** Mr. Speaker, I have a question of the Minister of Health. I wonder if the minister could give us some background on the recent announcement that only those areas having district health councils will be eligible for provincial lottery funds to finance research and development projects?

**Hon. Mr. Timbrell:** The hon. member has put it into something of a different context than the way in which it was originally put. The \$25 million from the lottery which is for health and environmental health-related research breaks into a number of areas, in-

cluding capital construction, purchase or replacement of equipment, teaching positions in the health sciences centres, grants to the statutory foundations and grants to the non-statutory foundations, as well as an amount for the ministry's own grants-in-aid program for health research. There is also an amount for the district health councils to carry out research in their respective areas for whatever purposes.

I am not quite sure the way the member took it, but I think he took it in a rather different sense than the very positive one that was intended.

**Mr. O'Neil:** Likely I have, and I think a lot of other people across the province are doing so. As a supplementary, since the approach of the Health ministry has been that the establishment of these district health councils has been on a voluntary basis, does he not feel that the disbursement of lottery funds in this manner could have a detrimental effect on the voluntary aspect, and is that his intention?

**Hon. Mr. Timbrell:** I am sorry, on the voluntary aspect of what? District health councils?

**Mr. O'Neil:** The establishment of health councils.

**Hon. Mr. Timbrell:** No, I don't. Not at all. For instance, as the hon. member may or may not know, in the Ottawa-Carleton region there is an extensive needs study under way under the auspices of the district health council in co-operation with the faculty of the University of Ottawa. There, the ministry is paying half the cost of that research, albeit not out of the provincial lottery funds.

In the future I can see that that kind of study, or looking at mental health problems, long-care needs or whatever, taken in the context of long-range region or county-wide planning, could well be considered for provincial lottery funding. I really don't see that that's in any way going to take away from the volunteerism aspect of the district health councils any more than I see it in any way diminishing the voluntary aspects of the efforts of the statutory and non-statutory research foundations.

**Mr. O'Neil:** Supplementary: I wonder if I might ask the minister, though, about the Belleville-Trenton area. They are presently considering whether or not to establish a district health council; if they decide not to establish one, would those lottery funds be available to them?

**Hon. Mr. Timbrell:** Unless there is a non-statutory, disease-related research foundation in the area, there would be no body in the

area that I am aware of—a body that is as all-embracing as a district health council—that would be eligible for grants. There are hospital planning groups and other kinds of planning groups, but all working separate one from the other. District health councils at least bring together people from a variety of backgrounds and look at the total health care needs of a county or of a region. The answer is, I don't know that there would be any other groups that would be eligible.

**Mr. Speaker:** A final supplementary; the hon. Leader of the Opposition.

**Mr. S. Smith:** Would the minister make very clear in his effort to make sure that this not be interpreted as some attempt to force people into district health councils, that where such bodies exist that can undertake needs studies, such as groups of hospitals voluntarily coming together or district psychiatric services groups, or for that matter municipal or regional governments without health councils—where those bodies wish to use funds for such research into future needs, that they will have equal access to those lottery funds and not be restricted from it unless they happen to have the type of regional health council that the minister would happen to prefer.

**Hon. Mr. Timbrell:** The hon. member in his usual inimitable fashion has a way of twisting the truth around.

**Mr. O'Neil:** You are not giving a straight answer.

**An hon. member:** That's not parliamentary language.

**Mr. S. Smith:** Mr. Speaker, on a matter of privilege, I wish to raise this matter in two ways. One is that his comment was derogatory to me in terms of saying I am usually twisting truth around. There is no evidence of this at all.

[2:45]

The second point is that I myself—prior to being raised to such a lofty level to deal with people such as those opposite—used to have a certain professional capacity in which we did a number of community-based studies of communities, and did so without a health council. I would like, therefore, a clear statement from the minister that it will not just be regional health councils that will be entitled to those funds to do needs studies in their areas.

**Hon. Mr. Rhodes:** What is your matter of privilege?

**Hon. Mr. Timbrell:** Mr. Speaker, if the hon. member is a little sensitive, I don't know, perhaps due to past events, to my earlier



comment, then I'm sincerely sorry for that. I was very careful in the way I put it. But obviously I've touched a nerve somewhere.

**Mr. Roy:** Withdraw.

**Mr. Speaker:** He hasn't said that. He hasn't said that.

**Mr. Lewis:** What is the meaning of twisted truth?

**Mr. Speaker:** There is quite a difference in a statement like that and accusing someone of telling a falsehood.

**Hon. Mr. Timbrell:** Mr. Speaker, with regard to this particular allocation, if previous experience is anything to go by, I'm sure that even from the district health councils the requests will probably exceed the available funds.

**Mr. Foulds:** That is the important point, isn't it?

**Mr. S. Smith:** Just say that any community can get needs studies done.

**Hon. Mr. Timbrell:** Why don't you just button your lip and let somebody finish an answer?

**Mr. S. Smith:** Make a straight statement.

**Hon. Mr. Timbrell:** If the member will be quiet, I will be glad to finish my answer. I'm trying to make it very clear that in no way am I trying to force any part of the province into adopting a district health council where the people don't want it. I offer up the example in Perth and Huron counties where the steering committee by a vote of eight to seven said that it did not want a district health council at this time. My response to that was, "Fine. Maybe you, the people in that area, will look at it again in a few years' time, but I'm not going to force it on you."

My point earlier, which I think may have been missed, was that district health councils afford the opportunity for all aspects of health care to be considered in one forum, rather than different aspects of health care in isolation.

**Mr. O'Neil:** You are blackmailing us.

**Mr. Conway:** A teen-aged Darcy McKeough.

**Hon. Mr. Timbrell:** Absolute, unmitigated nonsense. If I am teenage, you are hardly past the fetus stage.

**Hon. Mr. Davis:** You are just jealous because youth is passing you by.

**Mr. Lewis:** Personally, I think you are both pre-pubescent.

**Mr. Speaker:** Order, please. Talking about ages, maybe somebody would try to act his around here.

## HEALTH OF WORKERS AT RED LAKE

**Mr. Mackenzie:** To the Minister of Labour: In view of the disturbing and tragic sequence of events in the case histories of the workers in the greater Red Lake area, which have been turned over to the minister, which indicate examinations which revealed nothing, yet one year later a worker is in the hospital having a lung removed, can the minister indicate if she has investigated the consistency and quality of the examinations and the various testing equipment being used in that district?

**Hon. B. Stephenson:** At the request of the union in that area, and much before that as well, we have been following this situation. There is an examination of the medical records of various individuals who have been made known to us. In addition to that we have been looking at all of the records that we've had of testing done in the area, in many specific work areas, in order to put all of the information together, so that we may have a meeting with the union and with the companies involved to provide all of the information to them and try to find solutions to the problems of health and safety in that area.

I have to tell you that we have been unable to contact the district director of the union for the past seven days in order to try to arrange the meeting. In his absence we have arranged alternative meetings which we hope will be satisfactory to him.

I gather that Mr. Cooke at this present time is in Russia. I didn't know he was there and was unable to make contact with him. However, we are in the process of attempting to arrange that meeting either at the end of this week or the beginning of next week. I had hoped that it was going to be the beginning of this week but because of his absence we have not managed to do so at this time. That information will be placed clearly before the employees, the union and the employers, and we will have a discussion about finding solutions.

**Mr. Foulds:** Supplementary: Could the minister refer to the initial part of the question from the member for Hamilton East about the testing that is available, because surely the case studies that she has been able to look at so far indicate a grave lack of diagnosis? After being steadily tested, apparently for a number of years, the worker is suddenly in hospital to have a lung removed after being given a clean bill of health a year previously.

**Hon. B. Stephenson:** I would have to remind the hon. member that it is not unusual.

Human beings do not necessarily all react in the same way, and it is not unusual to find the development of a very serious illness within a relatively short period of time from a diagnosis of a reasonably clean bill of health. He and I have had friends or acquaintances who have had all the tests available for cardiac disease and they've proven to be perfectly fine, but then they've died of a coronary the next day. Unfortunately, medical science is not infallible and human beings are not machines that can be tested in exactly the same way constantly.

However, this is being investigated and as a result of the investigation the information will be placed before the group. I am happy to tell you that the meeting has been finalized. It will be Tuesday morning of next week at 10 o'clock.

**Mr. Lewis:** In Moscow. In Red Square.

#### ENROLMENT OF STUDENTS AND TEACHERS

**Mr. Sweeney:** Mr. Speaker, a question of the Minister of Education. With the reference to remarks the minister made this past summer with respect to the enrolment in teachers' colleges, I wonder if he could help me reconcile these figures. In 1973, the student enrolment of the province was 1,361,000; in 1974, it was 1,340,000—that's a drop of 20,000—and in 1975, it was 1,323,000—that's a drop of almost another 20,000. In other words, in three successive years we see a drop in enrolment, and the minister's own reports show that that drop in enrolment began in 1971 and continues to the present day. That's one set of figures.

**Mr. Speaker:** This is not a question.

**Mr. Sweeney:** Yes, this is a question. I want a reconciliation, Mr. Speaker.

**Mr. Speaker:** I would like to hear a question.

**Mr. Sweeney:** Will the minister reconcile these figures? In 1973, enrolment at teachers' colleges was 1,780; in 1974, 2,229, an increase of 500 and in 1975, an increase to 3,300. How is it possible that the same time the enrolment of students—

**Mr. Speaker:** Order, please. This question should be directed to the order paper. Put it on the order paper.

Oral questions?

#### HORNEPAYNE TOWN CENTRE

**Mr. Wildman:** I have a question for the Minister of Northern Affairs: Could the minister indicate to the House the status of his

ministry's and the other ministries' studies of the Hornepayne Town Centre and the government's participation in that development? Could he also report what the government's participation might be, and has a final decision been made?

**Hon. Mr. Bernier:** Mr. Speaker, as you know, my ministry has been actively involved in that particular development with the CNR and with Hallmark Hotels Ltd. As recently as last week, we advanced a small amount of money to the Hallmark Hotels people to take the next step, which is preparing the design plan on which tenders could be called. As the hon. member is aware, working drawings will not be prepared because of the time factor and the desire to get on with that project if it is approved in total. We felt that we had to take the next step in order to get some hard figures to deal with. We hope to have those figures in our hands early in 1978. On the basis of those figures, we'll be making a firm decision, positive or negative.

**Mr. Wildman:** Supplementary: Could the minister indicate whether that means that once the design drawings are prepared the government is prepared to commit itself now to participation and tendering will then take place early in the summer or late spring next year?

**Hon. Mr. Bernier:** I think the principle is there and that the government has shown its interest to this point in time. There's no question about that; we've put up our share. In fact, the first portion was shared on a three-part basis and the next phase was shared on an equal basis with CNR. That's a sign of good faith but we can't really commit ourselves on the entire project until we get some hard figures and some firm data to deal with.

#### PROVINCIAL GRANTS

**Mr. B. Newman:** I have a question of the provincial Treasurer. Is the Treasurer aware that the city of Windsor has been deprived of about \$20 million in grants since the year 1973? What solution or what relief is he prepared to give to the city of Windsor, in the light of this unfairness, which he has admitted in a letter of August 8?

**Hon. Mr. McKeough:** This is a matter which is under consideration.

**Mr. B. Newman:** Will the minister elaborate a little further on what type of consideration? Is the minister going to give an unconditional grant to the municipality?

**Hon. Mr. McKeough:** No, that is not part of the consideration. I have met with the



mayor of Windsor on three different occasions and with his officials and we are reaching, I think, some agreement on facts. Whether solutions will be found, I simply don't know.

**Mr. Warner:** You should consider resigning.

#### ROSS SHOULDICE

**Mr. Martel:** Has the Premier decided to order the chairman of the Commercial Registration Appeals Tribunal to reinstitute the inquiry into the actions of one Ross Shouldice, now that Mr. Shouldice is involved in selling real estate or handling real estate, without a licence I presume, in the Sudbury area under the name of Berosh Holdings and advertising his services in the local media?

**Hon. Mr. Davis:** I recall receiving a letter from the hon. member where he raised this question with me. He enclosed an ad. I think that is my recollection of his correspondence, which I always read very carefully. I noted that he signed it but didn't add any PS though.

**Mr. Martel:** No, nor any BS either.

**Hon. Mr. Rhodes:** That was all above the signature.

**Hon. Mr. Davis:** I have to add that it wasn't written by hand, thank heaven, or I might not have been able to read it. I have asked for a report on it and as soon as I have that report I will get the information to the hon. member.

#### PURCHASE OF ART OBJECTS

**Mr. Stong:** I have a question for the Attorney General. Is the Attorney General responsible for the priority, and which priority would allow \$40,444 to be spent on art objects for the courthouse in Barrie, especially in view of the long list of cases that are unheard of—unable to be heard and unheard of—particularly when \$40,000 is more than ample to pay the salary of a judge and provide new court space, particularly in Toronto and Hamilton?

**Hon. Mr. McMurtry:** I have no knowledge of any such expenditure and it would not come within my ministry. It perhaps would be a matter that might be directed to the Minister of Government Services.

**Mr. Stong:** Mr. Speaker, I would like that question redirected to the Minister of Government Services. I also note that the Ministry of the Attorney General has its stamp on each item in each courthouse as well.

**Mr. Speaker:** You may redirect.

[3:00]

**Mr. Stong:** I would like to redirect this question to the Minister of Government Services. Is he responsible for setting the priority which would allow \$40,000 to be spent on the Barrie courthouse on art objects when there is such a backlog of cases in Toronto and Hamilton and Ottawa, and which amount would be more than ample to pay the salary of a judge and appoint new court space?

**Hon. Mr. McCague:** I could have the question referred back to the Attorney General. The bulk of the question revolves around what is better—art or a judge?

Interjections.

**Mr. Speaker:** Can we have some order, please? The hon. Minister of Government Services has the floor.

**Hon. Mr. McCague:** To answer the half of the hon. member's question that would come under Ministry of Government Services policy, when a courthouse is established, it is the policy to spend about half of one per cent of the cost of the building on art, and that normally is local art.

**Mr. Stong:** Is the Minister of Government Services responsible for setting that priority?

Interjections.

**Mr. Stong:** With 3,000 cases in the backlog, we've got \$40,000 worth of art. People waiting in jail even.

**Hon. Mr. Davis:** This party has never been against the artists. Are you against Ontario artists?

**Mr. Stong:** People sitting in jail for eight months and we can go to look at pictures.

Interjections.

**Hon. Mr. McCague:** As to whether or not it's policy, I'm not sure. I think that as well as the solicitors which the hon. member referred to in the first part of the question, the artists have to live also and it would be a sad state if we didn't have them.

**Mr. Lewis:** Good for you. You are not a Philistine like all the rest of them.

#### COFFEE PRICING

**Mr. Swart:** My question is to the Premier, Mr. Speaker, if I could have the Premier's attention.

**Hon. Mr. Davis:** You have it—my undivided attention.

**Mr. Swart:** Is the Premier as indifferent to the high coffee prices in Ontario as his Minister of Consumer and Commercial Relations? I hope the Premier is not, but if he is not, would he—

**Mr. Speaker:** The question has been asked.

**Mr. Swart:** —instruct that minister—

**Mr. Speaker:** The question has been asked.

**Mr. Swart:** —to go back and do a thorough inquiry into coffee pricing—

**Mr. Eaton:** Quit using the imported stuff and start using milk.

**Mr. Swart:** —something more than just asking the coffee companies for their explanation?

**Hon. Mr. Davis:** Mr. Speaker, the hon. member for Welland-Thorold really answered the question himself when he recognized that I certainly wouldn't be indifferent to any situation. I wouldn't be indifferent to the hon. member, although the temptation is great on occasion.

**Hon. Mr. McKeough:** He was indifferent to us yesterday.

**Hon. Mr. Davis:** He certainly was, I think, very indifferent yesterday.

**Hon. Mr. McKeough:** Forced the vote and then wasn't here. Shameful.

**Mr. Ruston:** That's right. He was calling the radio station back home.

**Hon. Mr. Davis:** I certainly am not indifferent if that helps the hon. member. I would say though, on behalf of the Minister of Agriculture and Food, that probably a lot of us would be healthier if we were to substitute a portion of the coffee we drink with milk, which would also assist the dairy industry, and be healthier in the process. I'm not advocating that to the hon. member, but that is an alternative that is available.

**Mr. Swart:** Would I be right in assuming from the Premier's reply that he's not asking the Minister of Consumer and Commercial Relations to make any further investigation and, although far be it from me to make the controversy in your cabinet any worse, but because the Minister of Correctional Services is quoted as saying—

**Hon. B. Stephenson:** You don't have to buy it.

**Mr. Swart:** —with regard to coffee prices, "When I say ripoff I know what ripoff means," would the Premier direct him, by special assignment, to make an inquiry of his own?

**Mr. Breithaupt:** That is since he got into the cabinet.

**Hon. Mr. Davis:** I certainly don't want the hon. member to really feel that there are ever any differences of opinion in the executive council of this province.

**Mr. Wildman:** Tell us about the drinking age.

**Hon. Mr. Davis:** If the hon. member wants to raise the question of the drinking age I think it would be more appropriate tomorrow afternoon. If the hon. member for Renfrew North is suggesting that we substitute alcohol for coffee, that I don't recommend. The Treasurer reminds me that there are grapes in the Peninsula. That's something else.

**Mr. Conway:** And baloney in Brampton.

**Mr. Ruston:** And a lot of corn in Chatham too.

**Hon. Mr. Davis:** There's corn too.

I have not directed the minister. I find that the ministers of the Crown in this province really demonstrate great initiative. They have the capacity to react to these matters and I have complete confidence in the minister of that ministry in dealing with these issues in a way that will be, I think, ultimately acceptable to the hon. member for Welland-Thorold.

**Mr. Deans:** This is very boring.

**Mr. Speaker:** The oral question period has expired.

## REPORTS

### STANDING RESOURCES DEVELOPMENT COMMITTEE

Mr. Havrot from the standing resources development committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Ministry of Industry and Tourism be granted to Her Majesty for the fiscal year ending March 31, 1978:

#### Ministry of Industry and Tourism:

Ministry administration program	\$3,230,000
Policy and priorities program ..	2,017,000
Industry and trade development program .....	9,682,000
Tourism development program	10,556,000
Small business development program .....	4,047,000
Ontario Place Corporation program .....	2,941,000
Industrial incentives and development program .....	25,967,000

### STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Your committee begs to report the following bills without amendment:



Bill Pr1, An Act respecting the Township of Tay;

Bill Pr19, An Act respecting Circle R Boys Ranch;

Bill Pr21, An Act respecting Fuller-Austin of Canada Limited;

Bill Pr22, An Act respecting the Borough of Etobicoke;

Bill Pr23, An Act respecting Matol Holdings Limited;

Bill Pr24, An Act respecting Niagara Institute for International Studies;

Bill Pr31, An Act respecting Garnet Holdings Limited;

Bill Pr32, An Act respecting Stanley Starr Limited;

Bill Pr33, An Act respecting Kedna Enterprises Limited.

### INTRODUCTION OF BILLS

**Mr. Speaker:** I understand that we have nine private bills to be introduced for first reading, and in order that as much time as possible may be devoted to the important business this afternoon, would it be agreeable to the House for the mover of the bills to send the bills directly to the table and they will be deemed to have been introduced and read for the first time? Is that agreeable?

Agreed.

The following bills received first reading:

Pr2, An Act respecting the Township of Dover.

Pr4, An Act respecting the County of Peterborough.

Pr5, An Act respecting the Village of Port McNicoll.

Pr9, An Act respecting the City of Sault Ste. Marie.

Pr12, An Act respecting certain lands in the Township of Casgrain.

Pr14, An Act respecting the City of Ottawa.

Pr18, An Act respecting the City of Toronto.

Pr29, An Act respecting the Township of East Zorra-Tavistock.

Pr35, An Act respecting Shore and Horwitz Construction Company Limited.

### ORDERS OF THE DAY

#### LAYOFF OF NICKEL WORKERS

**Hon. Mr. Auld:** Mr. Speaker, before calling the motion, I would like to indicate on behalf of the House leaders how we would propose that the members agree to share time on the debate on the motion in the name of the hon. member for Sudbury (Mr. Germa).

We would ask that it be agreed that the time between the calling of the order and 5.50 p.m. be shared equally by the parties, that is one third each. We leave it to each party whip to arrange his speakers in such a way that none of them is deprived of reasonable time, but that the last of those speakers for each party not go beyond the time limit for his party. We would ask, Mr. Speaker, that you put the proposal to the House for consent; and if agreed that you name the minute at which the debate starts, and as well that you terminate the speech of a member whose party's time has elapsed.

**Mr. Speaker:** As you know, there is nothing to be guided by in the standing orders with regard to the time allocation for emergency debate, but it seems to have universal approval that the time be allocated one-third for each party. If that is the wish of the House, we will attempt at the table here to indicate when the time of each party has expired, in co-operation with the whips, if that is agreeable to all parties.

Mr. Germa moved private member's motion No. 11:

**Resolution:** That the government of Ontario has had before it numerous reports with recommendations that deal with the orderly planning of resource industries and resource industry communities in northern Ontario, and had been unable or unwilling to develop a viable strategy based on these recommendations; and as the lack of such a strategy has been primarily responsible for the current economic problems in the Sudbury basin; and as more than two weeks have now passed since the announced layoffs at Inco and the government has failed to produce any initiatives to deal with the proposed layoff of 2,800 persons and the adverse effect this will have, not only on the economy of Sudbury but on employment in other service and consumer areas; therefore, this government does not enjoy the confidence of the House.

**Mr. Germa:** Mr. Speaker, the motion which I have placed on the order paper indicates that this government does not enjoy the confidence of the House. The reason for entering this motion on the order paper, as recited earlier in the motion, is that the government is unwilling to develop a viable strategy to ensure the viability of northern Ontario, and it has also failed to produce any initiatives to deal with the proposed layoff of 2,800 persons in the Sudbury area.

So we have two considerations, both the long-term failure of the government to deal with the problems of northern Ontario and Sudbury specifically, and the short-term fail-



ure of the government to deal with the events which are upon us. It is, then, a natural progression that a motion of no confidence should ensue when I have heard so many voices raised in objection to the actions of Inco in their announced intentions to terminate the employment of so many men, any action which is going to wreak havoc with the economy of an entire area and going to have a severe impact on the entire province.

I recall that the Liberal leader (Mr. S. Smith), when the incident was first before the House, made certain demands upon the government. He said, in a very strident voice, that this government should use its full weight and go to Inco and demand that they cease production of minerals in Indonesia and Guatemala. The government has failed to meet the request of the Leader of the Opposition and I would, therefore, assume that he too will express no confidence in the government, because it certainly has not met his demands.

Certain other opinions have been expressed by people across the province of Ontario—and I could go through a long list of people who have expressed lack of confidence in this government. I go to a person who is known to the government of Ontario—the mayor of Sudbury, a Mr. Jim Gordon, a former Conservative candidate for office for this government. Mr. Gordon expressed his feelings in a very resounding voice at a rally in Sudbury two weeks ago, on a Sunday afternoon, with 2,000 people in attendance. It was a spontaneous rally in objection to the action of Inco and the lack of action by the government. Mr. Jim Gordon, this very good Tory and a former candidate said: "Nail this government to the wall and shut them down." I think that this motion addresses itself to the demand of the mayor of Sudbury that this government be nailed to the wall and that they be shut down.

[3:15]

The first area in the motion deals with the unwillingness of the government to develop a strategy. The government did express some interest in strategy in 1970 when it brought in a series of reports across the province on the various areas concerned. Unfortunately, the reports addressed themselves to particular areas; when we put the report together we find we have conflicts in the various reports.

I refer firstly to the report tabled in 1970 by the Treasury on the Toronto-centred region Design for Development. On page 4, one of the stated objectives in the report was, and I quote: "The Toronto-centred region probably can increase its economic role in pro-

cessing resources which currently come from northern Ontario."

That statement is certainly not in favour of the stated objectives which we can find in a further report having to do with north-eastern Ontario. I think it is this statement in the Toronto-centred region report which has been the problem facing northern Ontario for the past 50 years.

This is in direct conflict with Design for Development, 1970, Northeastern Ontario Region. In that report there were 82 objectives recited, 82 things which should happen in order to ameliorate the lack of development and to enhance the lifestyle of people in northern Ontario. Twenty-three of these objectives were rated as "in the high category." We cannot go through the 82 objectives, but I have pulled out of them 10 particular areas which the government should have addressed itself to. We will see whether some seven years later the government has addressed itself to reaching any of those objectives.

The first objective was to reduce outward migration. If we look at the population figures of northern Ontario, we find that the increase in growth as compared to the provincial average is not comparable whatsoever. In fact, the growth in northern Ontario is somewhat less than one per cent. It is somewhat in line with the growth in the eastern provinces which have long been recognized as a very depressed area.

The second objective was to increase female employment opportunities in northern Ontario. We know that female participation in the work force in northern Ontario at present is running at 35 per cent, whereas the participation of females across the province is at 44 per cent. The government has not addressed itself to that objective.

"Increased employment opportunities for skilled and educated people": It just has not addressed itself to that, because it has not corrected the imbalance in northern Ontario which results from our economy being based on resource extraction industries.

"Increased employment opportunities in manufacturing": I think it is indicative that the government has not moved into that area; otherwise we wouldn't have this calamity falling upon Sudbury, and Sudbury is the biggest community in northern Ontario. Yet when there is a layoff in the one prime industry, it throws the whole economic balance upside down.

"Increased industrial diversification": That also speaks to the lack of manufacturing.

"Equalized opportunity for native people": We know what has happened to the native



people. We could go back to the English and Wabigoon Rivers and see exactly how this government has failed to equalize opportunities for northern people.

"Reduce housing costs for low-income households": We know very well, without sending another great group of people up there to study it, that housing costs in northern Ontario are just beyond the means of the average individual.

"Reduce traffic fatalities": The statistics coming out even today indicate that the hazards on the highways in northern Ontario are extreme compared with the rest of the province. Part of that, of course, is because of our geography, part of it is because of our weather, but most of it, I think, is because of lack of proper highway facilities in northern Ontario.

"Reduce occupational accidents and fatalities": A recent report indicated that the hazards faced by a miner in northern Ontario are seven times as great as the hazards faced by a policeman. Police are recognized as a high-risk profession and yet in mining, which is our main source of employment in the north, miners have to suffer hazards seven times greater than those faced by police.

"Reduce property damage by fire": My friend the member for Nickel Belt (Mr. Laughren) has addressed himself to this problem several times in this session, and the only response from the government is that they would do something about installing smoke detectors in northern Ontario.

I think it's evident that the government has failed to meet any of the objectives. That is just my opinion. There are other people with opinions in northern Ontario, and I refer now to the response of the Chamber of Commerce to the northeastern Ontario development strategy.

**Mr. Martel:** Let the government disclaim its friends now.

**Mr. Turner:** That's all you've got, eh? Pretty shallow.

**Mr. Germa:** The Sudbury Chamber of Commerce, of course, is not a radical socialist organization, and I just have to put on the record some of the statements by the friends of government and how they feel about this government.

On the very first page they say: "We are disappointed, disillusioned and impatient with the provincial planning program that has accomplished little in a full decade of existence."

That's their opening shot. On page 1: "The northern Ontario regional strategy is devoid of any strategy of development—phys-

ical, economic or social. It represents the pinnacle of intellectual bankruptcy of the southern establishment in even analysing the problems of the north, let alone dealing with them effectively.

**Hon. Mr. Bernier:** You fellows wrote it; that's why.

**Hon. Mr. Kerr:** They helped to kill Reed.

**Mr. Germa:** "The only way to deal with northern Ontario regional strategy is to let it terminate as an expensive receptacle of dust until it glides gracefully or otherwise into oblivion."

**Mr. Martel:** That's what they think about the government's plan.

**Hon. Mr. Bernier:** Remember Reed?

**Mr. Germa:** "The fundamental problem with northern Ontario regional strategy can be summed up as the troika of noes—no strategy, no analysis, no programs; therefore, no use."

**Mr. Conway:** Governor Bernier is disturbed.

**Mr. Germa:** I'd like to give you just a couple more quotes, Mr. Speaker. On page 6 of Profile in Failure: "Having failed dismally to deal with the substantive issues, the NORS has resorted to restating motherhood objectives in the hope that somehow innocuous objectives can substitute for a reasoned strategy. The fundamental flaw of NORS is the absence of any strategy of development."

On page 7: "There is, however, a secret strategy in the NORS. The secret strategy can best be characterized as the colonial exploitation of the natural resources of the north for the benefit of the south. On careful evaluation, one has to conclude that the NORS use the north as a supplier of raw materials for the golden horseshoe and as a market for its manufactured goods and services."

That is the opinion expressed by the friends of government. The government is losing friends at a very rapid rate.

The summary of Profile in Failure is such that they see that there is a lack of strategy owing to the fact that there was not a proper analysis or understanding of the problem in northern Ontario or even an understanding of the opportunities which might be there. When you do not have a strategy, consequently you don't get a program.

The paramount recommendation in Profile in Failure was that the government must move to diversify the population from the golden horseshoe area.

To speak to the second statement in the motion, the lack of a short-term policy by



the government of Ontario, the only thing that we've got from this government is the promise that they are going to erect a \$10-million office tower in Sudbury.

**Hon. Mr. Bernier:** You don't want it? You are against it? Are you for it or against it? Don't ride two horses. The same old hypocrisy that I have heard for 20 years.

**Mr. Laughren:** Don't be stupid. That is downright silly; go back to sleep.

**Mr. Germa:** We appreciate the \$10 million which is going to be expended, but I will ask the Minister of Northern Affairs (Mr. Bernier) how can \$10 million replace the loss of \$69 million in wages? The \$10 million just doesn't fit the need when we are losing \$69 million in wages.

**Mr. Martel:** When \$69 million is lost in one year, you dummies offer us an old building.

**Hon. Mr. Bernier:** I hope Hansard has got that—an old building.

**Mr. Germa:** I am going to terminate my remarks, Mr. Speaker, by making a demand of the Premier of this province (Mr. Davis).

**Mr. Conway:** You will make a Teddy Roosevelt out of him.

**Mr. Germa:** I demand that the Premier of the province take steps to reverse the decision of Inco to lay off 2,800 employees on January 31. He should understand that this is a classic example that even the strongest union on the North American continent is not strong enough to deal with multi-national corporations and that the workers of this province have to have the strength, the backing and the weight of this government to protect them from multi-nationals which have no concern whatsoever except for the bottom line on the balance sheet.

How is the Premier going to do this? I am even going to give the Premier a recipe on how he can lend his weight to have this objective of terminating the layoffs. I would ask the Premier of the province to get himself a ball of steel wool. Then let him get himself a pair of knitting needles and knit himself a barbed-wire overcoat. He will put on this barbed-wire overcoat and go into the board rooms of Inco with his elbows up. He will say to Inco: "Reverse your decision or we will take those leases and grants of ore bodies back into public ownership and renegotiate new leases with you so that it will have the effect of having government input into how these resources are depleted in the future."

Mining companies are no longer granted outright lifetime grants for the ore body.

I think these ancient leases and deeds or titles which Inco has have to be terminated in order that the ore body be exploited properly over the next 50 years. It is not my intention to have 2,800 men standing around doing nothing.

I will suggest how those 2,800 workers can be used. The mines and plants of Inco in Sudbury are in a deplorable state. If we look at the death and accident rate at Inco we see that it has one of the most dismal rates, not only in Ontario but across Canada. I would propose those 2,800 men whom we will not be laying off then be put to work cleaning up the plants and the mines which are presently coming down around them.

I have an estimate that putting proper lighting in the mines in Sudbury is a job worth \$40 million. That is how far behind Inco is in maintenance of its plants. We know from tests that 50 per cent of the deaths and injuries in a mine are as a result of lack of lighting.

I just ask you how you and I could function in this room if the lights were out. We would adjourn the debate.

**Mr. Conway:** Oh, no. This place functions much better in the dark.

**Mr. Germa:** Yet we are asking people to work in the dark. And that, I think, is the minimum demand I can make on the Premier of the province.

**Mr. Martel:** Here is the greatest apologist for the mining companies.

**Hon. Mr. Bernier:** Mr. Speaker, I rise to oppose the motion as tabled by the hon. member for Sudbury. I am, however, pleased to discuss the points and the issues raised in that particular resolution.

I would say before I begin my remarks that I suspect this is a grandstand show by the third party. The list of speakers has just been given to me. For your information, Mr. Speaker, the member for Sudbury is the leadoff speaker. The member for Oshawa (Mr. Breaugh) is speaking on behalf of the NDP later on. Then the member for Wentworth (Mr. Deans) will speak and then the member for Ottawa Centre (Mr. Cassidy). The windup speaker will be the defunct leader who is there now.

I say to you, Mr. Speaker, that this is part of the leadership race we will see in the next two or three or four weeks ahead of us. They are getting their feel, they are putting their feet on the ground and trying to appeal to northern Ontario.

They have caught up with you, fellows. You are wasting your time, they know where you stand.



[3:30]

**Mr. Laughren:** Go ahead, apologize. Give us the Inco line, Leo.

**Hon. Mr. Bernier:** Many of the issues that were raised in the resolution have already been debated in this House during the emergency debate a few days ago. One thing that became abundantly clear in that debate was the fact that the company's problem was one of an international nature, one of offshore markets, one of world demand declining considerably.

**Mr. Wildman:** It is not that we don't have confidence in Inco, it is you guys.

**Hon. Mr. Bernier:** Just before coming to the House this afternoon I learned from my staff that a mining company in Australia is about to go bankrupt and the French producers in New Caledonia have cut back their nickel production substantially. So we have a situation which we all recognize. Those of us who have the depth to understand the problem of the mining industry in Sudbury, understand that it is one of a world-wide nature.

**Mr. Laughren:** They really did right for you though, Leo.

**Hon. Mr. Bernier:** I think on this point no one in this Legislature should underestimate the concerns of the Ontario government with regard to the hundreds of employees who may be laid off by Inco, both in this province and in the province of Manitoba.

**Mr. Germa:** Do something then, do something.

**Mr. Warner:** You have done nothing.

**Hon. Mr. Bernier:** No one should underestimate our concern. We are as concerned and worried about that situation as any party in this Legislature.

**Mr. Cassidy:** We'd like to see some action.

**Hon. Mr. Bernier:** No one party, no one government, has all the answers to their particular problems.

**Mr. Wildman:** What about long-term planning?

**Hon. Mr. Bernier:** There is no easy solution to that problem. But I think that we can be encouraged, because there are continuing discussions going on between the company and the union; and certainly they are very constructive discussions, very positive ones.

We're all very pleased as well to hear of the positive and the practical suggestions that have been put forward by the Sudbury committee themselves. Sometimes when I hear members of the third party speak of the

Inco decision I have to question if they are fully knowledgeable of what their union leaders are discussing and putting forward to the company in those discussions. It leaves a question mark in my mind, because I don't think they are totally informed.

**Mr. Wildman:** We are not talking about Inco, we are talking about the government.

**Hon. Mr. Bernier:** Mr. Speaker, since the announcement concerning the massive layoffs, the government has acted very positively. We have had meetings with union leaders, with municipal leaders in all sections of the province. We have attended joint meetings with the federal government, municipal governments, labour meetings, to explore every possible avenue to deal with this situation.

The Premier recently announced a special cabinet committee to deal with the short-term and the long-term problems facing the Sudbury basin. In addition to that we are also looking at the long-term economic future of mining in this country, and of course our deliberations will have some effect on mining in the country as a whole.

**Mr. Wildman:** What have you been doing for seven years?

**Hon. Mr. Bernier:** While these things are being quickly put in place, the government has moved in another direction. As the hon. members have correctly pointed out, we announced a \$10 million construction program to complete the provincial building in Sudbury. Certainly this will add, on a short-term basis at least, some needed employment in that area.

I realize there are many positive forward steps that should be taken, and they will be taken. But as the hon. member for Sudbury quoted the mayor of Sudbury, Mayor Jim Gordon, I think it's only right that we put on the record his comments that were quoted in the Sudbury Star on November 4. After the Premier's announcement that there would be a special cabinet committee established, that there would be a go-ahead on the provincial building, and that there would be special funding to the industrial development study group in Sudbury, this is what Jim Gordon said—and it was headlined: "Natural and Welcome Move a Symbol of Faith the Province Has Shown in Our Area."

The reaction of Doug Frith in the same paper: "The project will bolster the region's economy over the next two years when we need it most. It shows the province has confidence in our area. Important achievements for the Sudbury committee." Those are the

kinds of the positive things that are coming out.

**Mr. Martel:** A \$69-million loss in salaries in one year, and you're giving us \$5 million.

**Hon. Mr. Bernier:** Mr. Speaker, don't be swayed by the attitudes and some of the comments that are coming from that group, because they're not identical to what's being said back home in a place like Sudbury. They are a very positive, sincere group up there and they want to do something.

**Mr. Germa:** Nail you to the wall, Jim Gordon said.

**Hon. Mr. Bernier:** I would like to review the status of Design for Development. I'm sure many members here will have known that over the past several weeks and several months and several years—

**Mr. Martel:** Seven.

**Hon. Mr. Bernier:** —we have been meeting with various groups, dealing with a number of reports and putting together a design strategy for the northeast and the northwest. As you are fully aware, Mr. Speaker, in 1970 the government of Ontario adopted Design for Development: Phase 2 for the northwest and, of course, these recommendations are being implemented right now. In fact, that particular Design for Development is being written at the present time, so that we're in phase three of Design for Development in the northwest. Of the 70-odd recommendations, actions have been taken on at least 69 of them.

**Mr. Foulds:** The Treasurer (Mr. McKeough) has announced phase three. Phase three has already been announced. This is phase-out four.

**Mr. Conway:** They're going to turn Minaki into—

**Mr. Deputy Speaker:** Order.

**Hon. Mr. Bernier:** Regarding the northeast, a number of interim documents are in the final strategy report and, as members of this House will remember, it was tabled in the Legislature in April 1976.

**Mr. Cassidy:** And promptly forgotten by your government.

**Hon. Mr. Bernier:** Since then it has gone through a number of discussions with public and industry sections all over northeastern Ontario. We have amendments for it, we have amendments in our hands now.

**Mr. Foulds:** Why did you do all that secretly?

**Hon. Mr. Bernier:** We're discussing it. We're looking at it from the government point of view.

**Mr. Cassidy:** You're looking uneasy.

**Hon. Mr. Bernier:** These are being very closely reviewed and, of course, will be included in the final document.

**Mr. Foulds:** Why did you have that review process in secret?

**Hon. Mr. Bernier:** We have not waited for the dotting of the final i's before taking action on development in the northwest and the northeast.

**Mr. Cassidy:** You've already decided to delay.

**Hon. Mr. Bernier:** No, we have taken some positive action on a number of fronts. I'd just like to run over a few of those for you, Mr. Speaker.

**An hon. member:** It will be a short run.

**Hon. Mr. Bernier:** Transportation is a typical example; we consider this to be a major contributing factor to the economic base and the economic future of all of northern Ontario. Line ministries, of course, are doing their job in providing the necessary facilities and doing the work that will improve transportation corridors throughout the entire north. As an example, Highway 144 linking Sudbury and Timmins is well on its way to completion.

**Mr. Martel:** Thirty-three years in the making!

**Hon. Mr. Kerr:** Fine, but it's done.

**Hon. Mr. Bernier:** To give another example, there is the highway from White River to Hornepayne. Those are just two examples.

**Mr. Germa:** How wide is that road?

**Hon. Mr. Bernier:** Right across the north, for those of us who live there, the transportation corridors have improved immensely and they will continue to improve.

**Mr. Martel:** You're unbelievable.

**Mr. Conway:** You're creating certain difficulties for a certain member over there.

**Hon. Mr. Bernier:** As members of this Legislature, another aspect of transportation we can take pride in, of course, is the air transportation program that this government has come forward with and implemented and which is now recognized as one of the finest regional carriers in all of Canada. Through the norOntair service, which many of these members use on a regular basis, we serve 16 communities across northern Ontario. In fact, while in 1971 we carried only 500 passengers, up to September 1977 that figure was over 7,800. We provide a full service of airline flights between a number of local



centres, with good connections to regional airlines on the main traffic hubs. In 1978 we will be adding two more centres to the 16 that I have already mentioned—Geraldton and Terrace Bay.

**Mr. Conway:** That won't help Inco, will it?

**Mr. Martel:** That really does a lot for employment, doesn't it?

**Mr. Lupusella:** How many jobs?

**Mr. Foulds:** Tell us how many permanent jobs?

**Hon. Mr. Bernier:** In the field of transportation, under our airstrip development program we have constructed 12 airstrips in the remote areas of northern Ontario, two are under construction and six more airstrips are being planned. Nine more have been requested by Treaty No. 9 and they are currently under review.

In the field of municipal airports—that's over and above the remote airstrip development program—10 airports have been upgraded and two airports are under construction. In the fields of highway transportation and air transportation, things are moving ahead in northern Ontario.

**Mr. Foulds:** Most of them straight out of the north.

**Hon. Mr. Bernier:** Another area of major concern to all of us in northern Ontario is the regional priority budget. This is a fund that has been given to the Ministry of Northern Affairs—

**Mr. Germa:** It's a community tap.

**Hon. Mr. Bernier:** —which is an amount of money over and above the regular normal spending of line ministries. As an example of this particular program, we are assisting with the infrastructure development at Timmins in the form of a \$12 million sewer and water project; a project for sewer and water facilities at Walden Industrial Park; the development of an industrial park, \$3.5 million—

**Mr. Martel:** Fifty million dollars in the Oshawa area.

**Mr. Cassidy:** How much for Highway 401?

**Hon. Mr. Bernier:** At Thunder Bay alone, there is \$28 million for the development of new infrastructure.

**Mr. Conway:** What kind of a check-mark have you got for Grassy Narrows?

**Hon. Mr. Bernier:** The Kimberly-Clark impact area, taking in Geraldton, Longlac and Nakina, over \$12 million is being spent. We haven't forgotten the smaller communities of the north either, such as Kapuskasing, Cochrane, Parry Sound, Blind River—

**Mr. Lewis:** What have you done for Blind River?

**Hon. Mr. Bernier:** —Gore Bay, Chapleau and all across the northeast; even in Cobalt where the government responded within a matter of hours to the disaster that occurred there. For once the government was there, on the spot, to make some immediate decisions.

**Mr. Martel:** For once!

**Mr. Samis:** That's in Hansard now.

**Mr. Lewis:** That's in Hansard now, you can't change it.

**Hon. Mr. Bernier:** It's not that often we have a fire of that magnitude. I have to point out to the hon. members that it was a disaster and I hope that all members of this Legislature applauded the action of the government in that particular case. I'm sure they did.

**Mr. S. Smith:** If they are going to have a fire they have it just before an election.

**Hon. Mr. Bernier:** In the northwest, action has been taken under the regional priority budget. If the hon. Leader of the Opposition would go up to northern Ontario once in a while he would know what's going on. There is massive development happening up there. But we don't see him, he spends all his time in southern Ontario.

Ninety per cent of the land mass is north of the French River. Only 10 per cent of the population lives there but we're alive and we're well and we're growing.

In the northwest, action has been taken at Kenora, Dryden, Ignace, Ear Falls, Red Lake, Sioux Lookout and Schreiber. Since 1974, under the regional priority budget, the government has spent over \$90 million in the economic development and the infrastructure planning and development of communities in northwestern and northeastern Ontario.

In addition, the Treasurer stated on May 12 of this year that other funds are being channelled into the northeast. I quote from that statement: "Sudbury now receives annual payments of \$7.6 million as part of the government special support grant to northern municipalities."

He goes on to say: "The NODC, in 1976, loaned some \$21 million to the manufacturing and tourist establishments in the northern region."

**Mr. Martel:** It is Utopia.

**Hon. Mr. Bernier:** I think one of the major steps forward was when he said: "We have created a Ministry of Northern Affairs to improve the co-ordination of our programs and to give the north a bigger voice in gov-

ernment deliberation." That was a very important step.

**Mr. Foulds:** And what have you done on this issue? Nothing, you have done absolutely nothing; you haven't taken any initiative.

**Hon. Mr. Bernier:** In the field of mining tax, a group over there advocated the nationalization of our resources. You know what that would have done. I ask you, what would that have done to the world-market situation?

**Mr. Foulds:** It would have put you out of a job.

**Hon. Mr. Bernier:** Would that have increased our sales to the United States and the European common market?

**Mr. Laughren:** Is that a question he is asking, Mr. Speaker?

**Hon. Mr. Bernier:** No, it's not. Nor is it a statement.

**Mr. Germa:** You've spent \$10 million in the last 10 years.

**Mr. Speaker:** Order.

**Hon. Mr. Bernier:** On the process of mining tax, I want to quote from the Treasurer's statement when he said:

"We built in the incentive to further process raw materials and the incentive provided was the highest in Canada, even higher than in southern Ontario. The economic benefits are there to see. The record is as clear as crystal. Texasgulf has announced a \$300 million capital expenditure program in which it gives full credit to the mining tax incentive as an important part of that decision. Inco was greatly influenced by the new tax system in its decision to construct a new coinage mill in Sudbury rather than in the United States."

**Mr. Martel:** Then they lost 2,800 people.

**Mr. Germa:** Yes, and what about Falconbridge?

**Hon. Mr. Bernier:** And listen to what Grubb, the former chairman of Inco, said:

**Mr. Lewis:** Grubb, they booted him out.

**Hon. Mr. Bernier:** "Recent technical innovation, along with tax incentives provided by the Ontario government to encourage further processing of metals in northern Ontario, now make this type and scale of project feasible. These two decisions alone will produce 2,225 new jobs and also, of course, a new mining tax system because it's practical and realistic."

**Mr. Lewis:** Where are they?

**Mr. Germa:** They lost 4,300 jobs.

**Mr. Martel:** I thought we were losing 2,800 jobs.

**Hon. Mr. Bernier:** I realize I may be running out of time, but I just want to close on a personal note. It's something that's very close and dear to me, as one who has lived and worked for the north all of my life.

**Mr. Lewis:** Go on, Leo. Minaki Lodge—do you want to talk about that?

**Hon. Mr. Bernier:** Yes, and I'll touch on Minaki Lodge before I'm finished.

**Mr. Lewis:** Yes, I'm sure you will.

**Hon. Mr. Bernier:** I've worked on five or six elections. I've listened to the people of the north and know what the people of the north really want. But I get sick and tired, I get disgusted; I really get upset with the hypocritical approach of the third party in this House and what they're trying to do to those of us who live in northern Ontario.

**Mr. Cassidy:** We are fed up with your lack of action.

**Hon. Mr. Bernier:** We saw what happened in the last election; we saw as northerners. We flushed them out, don't worry. We know that we were being used to garner votes in southern Ontario. We know that Minaki Lodge was used for a purpose.

**Mr. Foulds:** How many votes did you get in the northern part of your riding?  
[3:45]

**Hon. Mr. Bernier:** We know that Reed Paper was used for that purpose. We know what you did to Matachewan; all those jobs, all those jobs. They are yours. You carry that load to the people of the province of Ontario, carry that message across northern Ontario and see what they do to you. You lost three seats on June 9, and if you carry on that same approach you will be wiped out in the north. I guarantee that if you keep that same approach.

**Mr. Lewis:** There has never been so much claptrap in this House as in the last five minutes. You are so riddled with guilt you don't know how to handle it, Leo.

**Hon. Mr. Bernier:** Mr. Speaker, I represent an area that's very dependent on the mining industry, and I refer to the Red Lake-Balmer-town-Cochénour area. Through the years my father worked in the Howey gold mine. He knows what it's like.

**Mr. Germa:** Where did you work?

**Hon. Mr. Bernier:** You are not the only people who worked in the gold mines. He worked there back in the 1930s. He knows what it's like. That mine is closed today, as is MacKenzie Island, as is Cochénour Willans, as is Madsen, as is Hasaga, as is Starratt Olsen. They are all closed.

**Mr. Cassidy:** That is what we are saying.



**Hon. Mr. Bernier:** That community, Red Lake, was fighting for an economic base, for an existence to keep the people there and and working.

**Mr. Cassidy:** So what are you putting up as alternatives? There are no alternatives.

**Hon. Mr. Bernier:** And what did the NDP do when they had an opportunity to use the normal resources of this province, of their area? What did you people do? Where did you stand? Where did the member for Fort William stand?

**Mr. Foulds:** You wanted to mine that timber the very same way that you mined out those gold mines. What did you leave there?

**Hon. Mr. Bernier:** The member for Lake Nipigon had the guts to stand up and support the rest of this party here.

**Mr. Foulds:** You didn't have the guts to come to Red Lake when I was there and you were invited two weeks ahead of time. You didn't have the guts to come to Red Lake and face me on a platform.

**Hon. Mr. Bernier:** He was there. The member for Lake Nipigon (Mr. Stokes) knows. He reads the north. He knows where he stands. They want jobs. They want economic development. They also want environmental protection, and we built that into the memorandum of understanding with the Reed Paper company.

**Mr. Lewis:** Oh, sure.

**Hon. Mr. Bernier:** It was there. It was there, Mr. Speaker. It was there.

**Mr. Cassidy:** Why did you set up the commission then?

**Hon. Mr. Bernier:** The people of Red Lake will never forget what that particular party did to their opportunity to have a long-term viable economic base. They will never forget.

**Mr. Lewis:** One day you will lose and it will be a great thing for Ontario.

**Hon. Mr. Bernier:** The same thing can be said for the areas of Geraldton and Kirkland Lake. They ride two horses—

**Mr. Lewis:** You are a disgrace to politics, Leo Bernier; the only member of the cabinet who is a disgrace.

**Hon. Mr. Bernier:** —and I tell you, Mr. Speaker, that that day is going to come to an end. You can't ride both horses.

**Mr. Cassidy:** We can't stand that hypocrisy coming out again.

**Hon. Mr. Bernier:** I ask them to join the bandwagon, get on the team that will develop northern Ontario and vote against this particular resolution. Thank you, Mr. Speaker.

**Mr. Germa:** Everybody is leaving.

**Mr. Foulds:** Mine out the timber like you have mined out the ore.

**Mr. S. Smith:** Mr. Speaker, what we are dealing with today is surely first and foremost a human problem. We have to deal with the fact, sometimes forgotten I guess in the heat of partisan politics, that a great many young people mostly, because they are people with less seniority, a great many people who have just started young families, who have perhaps in many instances just put a down payment on a home which will now be virtually impossible to sell, a great many of these people are now wondering what our economy, what our system, what our province, what our way of life means if they have to somehow pick up and lose whatever little they have put into their homes and so on.

They now have to try to find another way of earning their living and supporting their wives and children. We are very deeply concerned about the fact that these people seem to be the forgotten people. There was a great flurry about them, there was a great number of headlines about these 2,800 people, and somehow when the numbers get large enough sometimes the human story is forgotten, but I am very concerned about these people.

It's obvious to me from the examination of what happened in the world nickel market that some jobs are likely to be lost. It is not obvious to me that all 2,800 have to be lost. In fact, it's not obvious to me at all that the pattern of investment of Inco has been in the best interests of Ontario. I feel that this government has in some ways very seriously been negligent of its duty in keeping the multi-national corporations, be they allegedly Canadian multi-national or foreign multi-national, it seems to me it has been very negligent in its duty to keep these multi-national corporations under some form of proper relationship to the people of Ontario. I would have to say, just perhaps as an aside to my comment in the House the other day, that some of our branch plants in this country which don't export in competition with their multi-national parent in other countries are really not doing a great service here and are doing us a great disservice in many ways, as is shown in the case of Anaconda Brass and Copper.



It is a pity that this government seems not to understand that. By continuing to foster multi-national operations here, branch plants, without insisting on certain guarantees that the interests of Ontario are put before the interests of international shareholders, in that way it seems to me the government has been very negligent in its duties.

I also feel it is quite unacceptable that the government has been caught by surprise in this matter. Everyone who follows the financial pages knows that the nickel industry was in trouble. Everyone knows after the Port Colborne layoffs that there were serious problems in the international metal markets related to nickel. All the government has to do is read the financial pages to find it out, let alone bother to call the company.

I met with the company some weeks before the layoff and they certainly didn't tell me about the layoff, but I sensed there were problems in the field. I met with the unions some weeks before the layoff and they knew there was something up, they knew something was coming. I think it is unacceptable that this government was caught by surprise.

There is a more serious matter and it is a matter which, frankly, is referred to in the motion put forward by the hon. member for Sudbury. It is the fact that during the 34 years of stewardship that the resource sector has been under this Tory government, there has been opportunity after opportunity wasted and squandered when we might have been developing a resource strategy and when we might have been working on some means of diversifying wherever possible. It is not always possible in every town and village, but wherever possible we should have been working on diversifying the economies of our resource towns.

I, for one, am somewhat new to politics perhaps, but I am very saddened at the fact that those who have been in charge of our lives and governments at every level have failed to develop a proper resource strategy, a proper economic strategy for that matter, an industrial strategy for Ontario and for Canada. We have drifted and we continue to drift.

I am profoundly distressed. I don't know how one can speak to some of these workers who have lost their jobs in Port Colborne and Sudbury and be able to explain to them how this country and this province can be proceeding, seemingly so comfortable, and seemingly so carefree without a proper strategy to cope with the futures of these young people, and for that matter their children to follow.

I'm concerned that this government has not shown much analysis in terms of the

world market. They seem to have been caught, as I say, by surprise. Nor have they been willing to stand up to Inco and insist that if there is bad news as a consequence of over-expansion and as a consequence of an unanticipated slowdown in the world's capital goods requirement which has hurt the nickel industry, that this bad news be spread about all of Inco's operations, especially considering the moral obligation that is owed to the Sudbury basin, since the money of the company has been made here with the resources in the Sudbury basin in Ontario and yet it has been transferred in gigantic quantities to other parts of the world for investment elsewhere. Why the bad news cannot be shared with those parts of the world is something which I believe is a disgrace to Ontario and also to the multi-national corporation involved, and I have told them so personally, as you well know, Mr. Speaker.

I tell you, furthermore, that there are a number of proposals the union has made which are excellent proposals and which could at least mitigate to some extent the blow which has fallen upon these people and upon the community of Sudbury. I point out to you, Mr. Speaker, that in Forbes Magazine, a financial magazine, in the issue of October 1, there is a very intelligent and penetrating analysis of the Inco company. It indicates there that Sudbury can produce nickel competitively and could beat the price of the Indonesian and Guatemalan operations of Inco, but it is in Inco's interest not to let Sudbury compete.

We want Sudbury to be permitted to compete and we insist that those who represent Sudbury's interests permit Sudbury to compete in the world markets. If, in fact, Indonesia and Guatemala could produce it more cheaply, then I might begin to understand the situation with Inco, because after all if not Inco, it would be the Swiss or the Germans or some other group that would develop those resources and sell in competition with Sudbury.

But Sudbury can compete. My only concern is that Inco isn't letting Sudbury compete. I believe we have to have a government that is strong enough to stand up to the company in this regard. We are interested in helping as many people as we possibly can. We are interested in facing the realities of the international market for nickel, but in a manner to mitigate the effects wherever possible and reducing the jobs lost wherever it is possible to do so.

We want to have a strategy in the resource sector, and that is why we have suggested that there be a committee of the Legislature



with all-encompassing terms of reference, to permit not only the inquiry into the activities of certain of the senior officials from Inco, who most certainly should be called before the bar of this House, but also the calling forward of other persons who might contribute in a useful and constructive manner, such as the labour union.

I would like to hear from the labour union, I would like to have them tell the story here, to find out just how duplicitous the company might have been in its relationships with the union in terms of telling them so little, or leading them to believe that the layoffs were not, in fact, imminent.

I'd like to know from international experts whether Inco will be telling the whole truth when the officers come in here to tell us about the unexpected difficulties in the international market. I would like some corroboration from other people, not just from the senior officials of Inco.

**Mr. Lewis:** You have largely accepted it.

**Mr. S. Smith:** I'd like to hear from other people in the city of Sudbury and in the area who could make some intelligent suggestions—which they already have in some ways—and I would like them to have a chance to expand on them in front of all the parties of this House.

**Mr. Cassidy:** They suggested that we nail the government to the wall, are you ready to do that?

**Mr. S. Smith:** That's why we have suggested widely expanded, broad terms of reference for the committee. We have also suggested that once the committee is finished, in one month, with a report on the specific situation, it should then go on to become a select committee to inquire into the state of the resource sector and to come up with a strategy.

That is constructive, in my opinion. There may be those who disagree with the idea, but I think it is constructive. We put forward these suggestions with every good intention to have the matter dealt with by all parties in this House in as expeditious a way as possible.

Now we come to the actual suggestions made by the members on my left in the New Democratic Party. Some of their suggestions are excellent. The idea that more attention could be paid to safety and some jobs could be saved by having more work done in that area is an excellent suggestion. I am happy to applaud the suggestion and share it with the member.

However, I must say to you that the suggestion that nationalizing Inco would, in fact, solve the problems of these 2,800 layoffs,

or in some way improve the international nickel market, is a suggestion that I find preposterous in the extreme.

**Mr. Foulds:** It is not in the motion, speak to the motion.

**Mr. S. Smith:** I feel, in fact, that the point of view that has been expressed by the mover of this motion—I notice he left it out of the motion, but he has certainly expressed it on many other occasions, supported by many other members of his party—

**Mr. Foulds:** He didn't express it in this today.

**Mr. S. Smith:** —the idea that nationalization would in some way solve this problem is a complete mystery to me. It would cost a lot of money to do that. I do not believe this is an intelligent time to put the people of Canada into the nickel business in this manner.

**Mr. Cassidy:** You are a hypocrite and you are trying to justify not supporting the motion.

**Mr. Bounsall:** The Leader of the Opposition can't vote against the motion on that basis.

**Mr. S. Smith:** I think that is a suggestion that is utterly and completely preposterous.

**Mr. Martel:** Speak to the motion.

**Mr. S. Smith:** But now, having decided not to proceed with nationalization at this time, having decided somehow or other to paper over the cracks in that party by deciding to downplay and soft pedal the nationalization aspect now, they have come up with a second solution to the problems of the 2,800 souls who are facing layoff in Sudbury, and that is that we should have an election.

Now how in the name of goodness can we possibly save the jobs of those people by having an election? Are we going to use them as poll clerks throughout the province of Ontario?

**Mr. Breagh:** Where is your principle?

**Mr. Foulds:** The Lieutenant Governor might ask you.

**Mr. S. Smith:** This has to be, as far as I am concerned, one of the most politically opportunistic motions ever to come in front of this House. I can certainly respect the desire of the member for Sudbury to be re-elected in his seat. I can understand that he is aiming at that.

[4:00]

There may be some poor souls in Sudbury who actually believe any guy who stands up in the House and is willing to have an election for them must be a super guy. But



I'll tell you this, nobody, even in the midst of the depths of depression and sadness in Sudbury would be so stupid as to believe an election is a solution to their problems at this time.

**Hon. Mr. Bernier:** We agree.

**Mr. Germa:** The mayor was one, the mayor said it: "Nail them to the wall."

**Mr. S. Smith:** Only the people in the NDP could be as irresponsible, as shallow and as opportunistic as to play on the sadness and the difficulty and the despair in that area to bring in this posturing motion, this motion which is fundamentally designed for the folks at home to show what brave fellows exist in the NDP. Everyone knows neither nationalization nor elections will sell one ounce of Canadian nickel overseas.

**Mr. Samis:** Remember December 1975.

**Mr. Deputy Speaker:** Order, order.

**Mr. S. Smith:** And so therefore I put to you, Mr. Speaker, that what we need in this House is a proper committee representing all parties to form a strategy in our resource sector, to look at all aspects of the Inco situation, to save whatever jobs are possible, to stand up to Inco and insist Ontario be put first on their list of priorities. We've got to ram down the throat of this government a proper attitude towards the resource sector in this province.

**Mr. Cassidy:** It will die on pieces of paper.

**Mr. Germa:** Can I have some studies?

**Mr. Laughren:** What a joke.

**Mr. S. Smith:** But we don't need an election. The members to my left know we don't need an election and this whole bill, this entire afternoon's debate, is designed to serve their narrow political, opportunistic purposes and should be shown up as a shallow exercise they have inflicted upon us. Thank you very much.

**Mr. Germa:** Same old gang; what nonsense.

**Hon. Mr. Bernier:** First candidate. Jim, why aren't you in this?

**Mr. Breaugh:** I rise to speak in support of this motion and I think it important that people across the province of Ontario understand the impact of the issue before this particular House on this afternoon; understand that unlike what the minister proposes to put in front of us this is not a matter of geography, this is not a matter of the north versus the south.

This is a matter of economics. It is a matter of the future of the province of Ontario, of how we utilize the resources that are here, of what impact we might have on

our own economy. It is also, as the member for Sudbury so eloquently put it just a week ago, a matter of the human investment, of people who have spent their lives working in a particular community, making that kind of human and very personal investment in an industrial situation only to have it thrown out the window.

**Mr. Havrot:** Sudbury isn't the only mining town in the country.

**Mr. Breaugh:** I think we should look at a couple of other interesting things that have evolved from the discussions around this very issue. For some time now, we've been listening to a great deal of chatter about the productivity of the Canadian worker, and in particular, the difficulty of getting the kind of productivity from Ontario workers which would allow them to compete on an international market.

All of a sudden all that is not true; all of a sudden the Premier of the province, as an example, is adamant the productivity of the workers in the Inco plant is not in question at all, that in fact they can compete on a world market and the problem is simply that the world market is having a little difficulty. So all that we listened to for so long about Canadian workers, about Ontario workers in particular not being able to compete, is now shelved.

Let's look at this very question which has been raised several times; the question of whether the province of Ontario ought to nationalize International Nickel, of whether the province of Ontario ought to have, in public ownership, that entire resource sector or parts thereof. Let's realize, too, the province of Ontario has a pretty substantial financial investment in that one plant.

**Mr. Conway:** Now tread very easily, those delegates will be listening.

**Mr. Breaugh:** In preparing some information on this, I found it very interesting to understand the people of Canada have invested substantial amounts of money. In terms of federal subsidies, there are tax credits involved totalling some \$73.85 million; provincial subsidies in sales tax exemptions of \$24.95 million; deferred federal and provincial taxes of \$378 million; an export development corporation loan of some \$77 million. That's a pretty healthy chunk of the Canadian tax dollar going into one corporate entity in one particular place. Those of you who are making the argument you cannot afford to nationalize Inco might ask the logical question, "What did we get in return for all that financial investment?"



Certainly we did not get much equity in terms of shares of that particular plant operation; nor will we, I suspect, get much assistance from the corporation in terms of the kinds of social costs that we, the people, will pay for. It is not just the \$69 million that we lose in salaries, but the impact on that community, the problems that we will pick up in social assistance programs, the difficulties that we will face on the streets of those communities, and that we, the people will have to pay for thereafter. I wonder what sort of equity that is. I wonder what businessman in his right mind would stand up and justify that kind of investment, with absolutely no control.

If a case to nationalize Inco ever was to be made, it has been made by the company itself.

**Hon. Mr. Bernier:** Are you for nationalization? Let's flush out the leaders.

**Mr. Conway:** What's your position on it, Mike?

**Mr. Breagh:** There has never been a situation of a more clearly defined rip-off of the Canadian public in terms of its tax dollar investment, and even in terms of kind consideration by a corporation for its workers or the economy of the province than we are seeing in this particular instance. The thing that disturbs me most of all is that almost all of this is a clear act of will.

I want to read, very quickly Mr. Speaker, from three examples that bring to mind a number of issues. These are exemptions under the mining tax, all dealing with the same corporation, all dealing with a number of items that we have discussed in this House many times.

International Nickel has been given an exemption to the mining tax for an unspecified quantity of materials from the dates of January 1, 1975 to January 31, 1978, to export iron oxide pellets to Hanna Mining Company in the United States; to export nickel oxide and cobalt oxide to Inco in Wales; and oddly enough refined nickel sulfide to the Tokyo Nickel Company in Japan. It is an act of will, a violation of a piece of legislation that this House passed, supposedly a good decision on the part of the government which would do good things. It would be difficult to identify those good things that were supposed to have happened.

The company supposedly is having some difficulty with its Sudbury operation, and yet it seems to have a good deal of capital still available to invest in other kinds of operations, perhaps in other places in the province

of Ontario but certainly not in the Sudbury basin.

Whether you make the case to nationalize Inco, or whether you say that for all of that massive public investment you surely should have received some measure of control—

**Mr. S. Smith:** Which side are you on?

**Mr. Breagh:** —or whether you are prepared to say, as perhaps the Liberal government might say, that at least you should influence the role of that particular corporation and its function in the Sudbury basin, one of the oddest things is that a federal government, a federal Liberal government in particular, which has stockpiled everything from eggs to wheat, all of a sudden says that you cannot stockpile something like nickel.

**Hon. Mr. Bernier:** Are you for nationalization? Let's hear it.

**Mr. Breagh:** Let me put to you very briefly the kind of sweet reason, in the midst of all this madness, that comes from the workers themselves who are asking for simple things like no more overtime, a work-to-rule program, improvement of their pension program, the stopping of contracting out and adjusting the vacation schedule.

**Mr. Conway:** What is your position?

**Mr. Breagh:** In all of this you see a failure on the part of the government of Ontario to implement its own fantasies in terms of a Design for Development for northeastern Ontario; a failure of the province of Ontario to establish in financial terms, a commitment to the development of secondary industry in the north at all. Frankly, in terms of what the member for Sudbury said, and he quoted at some length from this document, "all of what the government has even faintly attempted to do in the north has been, indeed, a profile in failure." Thank you.

**Mr. Pope:** May I say at the outset that I am in strong opposition to both the motion and the remarks of the member for Sudbury (Mr. Germa) and of the member for Oshawa (Mr. Breagh) who followed him.

**Mr. Riddell:** Is Bill Ferrier after you?

**Mr. Cassidy:** You have a nationalized industry in your riding.

**Mr. Laughren:** I think I am going to be sick.

**Mr. Pope:** Let me hasten to assure the House that I am not speaking merely as a member of the governing party, I am speaking as a member who represents a northern riding and a member who received over 50 per cent of the vote in my riding in the last



election. In my view, Mr. Speaker, the motion of the member for Sudbury is both ill-considered and precipitous.

**Mr. Cassidy:** Precipitous? After 34 years?

**Mr. Pope:** It is stated that the government has been unable or unwilling to develop a viable strategy for resource industries and resource industry communities in northern Ontario. This statement is completely without foundation. The government of Ontario has many strategies, which taken together form an impressive program for development in the north.

**Mr. Cassidy:** And none of them work.

**Mr. Martel:** What?

**Mr. Pope:** I am getting to it, just wait. The programs of the government are clear—

**Mr. Cassidy:** Name one!

**Mr. Pope:** —and the overall strategy should be patently obvious to all except those who refuse to recognize it.

**Mr. Martel:** Does the chamber of commerce support it?

**Mr. Pope:** In the first place, there is a regional priority program. This program is designed to assist municipalities to provide necessary municipal services. The main beneficiaries have been northern communities and a number of projects are under active consideration. Some examples of projects and funding in the past through DREE-TEIGA agreements cover a number of communities. For instance, Timmins, \$10.7 million for sewer and water; Dryden, \$2.9 million for sewer and water; Sudbury, \$3.1 million for industrial site servicing. Examples of projects under consideration are North Bay, servicing and industrial park; Elliot Lake, servicing for housing. Capital expenditures under the community priority programs have an estimated cost in 1977-78 of \$27,599,000.

**Mr. Conway:** That's just normal funding.

**Mr. Pope:** The projected cost for 1978-79 is \$35,443,000. This will be mainly aimed at municipal servicing and development of industrial sites. The figures included an allocation of \$3,250,000 for servicing of Walden industrial park in Sudbury, which should be completed this year.

Under the Neighbourhood Improvement Program, again jointly funded by the federal, provincial and municipal governments—the town of Iroquois Falls for instance, just in the last month, received an allocation of \$680,000 for basic municipal services in the Porquis Junction area.

**Mr. Martel:** Imagine, in 1977 getting sewer and water in Sudbury. In 1977 you are getting sewer and water in Timmins. Hurray.

**Mr. Pope:** The second topic I would like to deal with is the Design for Development program. We have passed Phase 1, which was a thorough analysis of northeastern Ontario combined with some elementary suggestions. Phase 2, which was tabled in this House in April of 1976, deals with policy options. In conjunction with the municipal advisory committee under the chairmanship of Mayor Aurele Gervais of Iroquois Falls, a number of public meetings were held and input was received from municipalities and interest groups in the north. At the present time policy decisions and future options are being considered at the cabinet level. In brief, Design for Development is a forthright, public and vital part of the government's strategy for the north.

Thirdly, there is the important matter of conditional and unconditional grants for northeastern Ontario municipalities. The same unconditional per capita grant rates apply in the north as in the south. However, under the provision of the resource equalization grant, the special northern general support grant and the general support grant that applies to all Ontario municipalities, northern municipalities can receive up to 49 per cent of the general purpose municipal levy in addition to the unconditional per capita grants. There are northern municipalities in which the combination of unconditional grants account for up to 60 per cent of their municipal levy.

Education grants are not only based on equalized assessment but also on a number of weighting factors. Those factors most beneficial to the north are goods and service costs for small schools, small boards and compensatory education for a number of underprivileged pupils. These weighting factors increase grants to the north by about 12 per cent over those for the south. These are over and above the increases due to lower assessments in the north.

**Mr. Riddell:** Do you not think the government is obligated to spend some money in the north, Alan?

**Mr. Pope:** In addition, there is the strategy evolved by the Ministry of Natural Resources for the use of Crown lands. By this strategy the government has adopted policies for the disposition and use of these lands. Since lands comprise over 80 per cent of the land in northeastern Ontario this is important, when we consider timber rights, potential mineral development and agricultural use. The government's policy with regard to Crown land are an important component in the overall strategy in the north.



**Mr. Foulds:** They are an important part of the sellout, Alan.

**Mr. Pope:** Then there is the matter of capital hospital grants. Municipalities in the north are required to provide one-sixth of the capital of the hospital construction costs, whereas those in the south provide one-third. This is an obvious recognition of the special problems of the north and a concrete illustration of a definite program.

**Mr. Martel:** We have no taxpayers.

**Mr. Pope:** I would now like to move to the question of housing in the north. The government has a definite commitment to help provide affordable housing for citizens in northern Ontario. In my own riding, for example, Timmins, Iroquois Falls and Matheson have received many millions of dollars under a variety of programs ranging from community sponsored housing, urban renewal, Home Ownership Made Easy, RRAP and OHRP.

The Neighbourhood Improvement Program I mentioned earlier is a joint project with the federal government and provides help with basic municipal services. All of these programs are related to a larger plan to provide reasonably priced, serviced accommodation to citizens of the north.

I could read figures on this all afternoon. What is important is that all of these programs, and I've mentioned only a few, constitute a clear and definite commitment on the part of the government. To say that they are haphazard or that they are not part of a viable overall strategy is simply irresponsible.

[4:15]

**Mr. Conway:** The strategy doesn't exist.

**Mr. Pope:** Let me now turn my attention to the government's programs for industry in the north. The Mining Tax Act which is so often decried by the members of the third party has, in fact, been of tremendous assistance to the northern communities. The benefits of the Act can be seen in the decision of Texasgulf to develop refining and smelting facilities in Timmins.

This alone has produced a great deal of employment, both in the construction and mining industries. This was the intent of the Mining Tax Act, while attempting to extract an increased return on natural resource industries for all the people of Ontario.

Then there is the Northern Ontario Development Corporation, which has incentive loans and term loans for the development of businesses—

**Mr. Laughren:** A joke.

**Mr. Pope:** —which will contribute to the growth of northern Ontario.

**Mr. Foulds:** You will wear out the knees of your pants genuflecting to Leo Bernier.

**Mr. Pope:** Among the loans made by NODC reported in the 1976-77 annual report of the corporation, are C & A Steel Fabricators of Sudbury, \$108,000; Dhyrn Limited of Haileybury, \$500,000; Northern Cable Services Limited of Sudbury, \$500,000—

**Mr. Conway:** Such generosity.

**Mr. Pope:** —Northern Customfab Incorporated of North Bay, \$106,000—

**Mr. S. Smith:** I didn't think there were that many Tories up there.

**Mr. Pope:** —and Sudbury Basin Spring Service and Welding Limited of Sudbury, \$253,757.

**Mr. Martel:** They're all closing now.

**Mr. Pope:** Many more examples could be given of assistance programs which benefit the northern part of the province.

**Mr. Conway:** Minaki.

**Mr. Pope:** Finally, with regard to the Sudbury area, the Premier announced last Thursday the formation of the cabinet committee on the economic future of mining communities.

**Mr. Foulds:** How much on Minaki?

**Mr. Pope:** Members heard or read the statement of the Premier, and I do not need to elaborate upon it.

**Mr. Foulds:** Why didn't they appoint the member for Cochrane North (Mr. Brunelle) to that? What's he doing in that Resources Development secretariat?

**Mr. Pope:** I would like to say, however, that no effort has been spared by the government in an attempt to solve the particularly difficult problems faced by the miners in Sudbury.

**Mr. Conway:** Is that your wife giving out medals these days?

**Mr. Pope:** The Inco layoffs demand special consideration, but this crisis alone does not mean that the government of Ontario has no viable strategy for northern Ontario.

**Mr. Conway:** Who's giving those medals out in Timmins?

**Mr. Pope:** I have mentioned only a few of the examples that could be given to demonstrate the government's commitment to orderly and productive growth for the northern part of the province. Plan by plan, program by program, it should be clear to everyone who cares to examine the record that the government has not ignored the

north. Far from it, the programs I have mentioned are only parts of the whole, which is a reasonable, viable strategy for the north.

**Mr. Conway:** Twenty-eight hundred layoffs.

**Mr. Pope:** It should be obvious from what I have stated that the government has approached and is approaching the needs of the north, both in terms of the industries and in terms of the communities. What I take from the motion of the member for Sudbury is the idea that the third party is saying: "Forget about the Hartt commission; forget about the municipal advisory committee"—

**Mr. Foulds:** That's what the Minister of Northern Affairs said the other day in Sioux Lookout.

**Mr. Pope:** —"forget about the Provincial-Municipal Liaison Committee"—

**Mr. Martel:** The Minister of Northern Affairs said forget about Hartt.

**Mr. Pope:** —"forget about the mining municipalities in northern Ontario; forget about the Federation of Northern Ontario Municipalities; forget about the Northeastern Ontario Municipal Association." In short, they are saying: "Forget about consultation and go ahead and act."

This is not the style of this government, Mr. Speaker. The programs that help make up the northern strategy I spoke of earlier were all developed in full consultation with the people and the industries of the north.

**Mr. Foulds:** Postpone, postpone; delay.

**Mr. Pope:** The Inco problem is serious, and it has been addressed seriously. It is irresponsible for members opposite to talk of such things as influencing the international market for nickel when it is clear that the provinces, indeed the federal government, cannot control international prices.

**Mr. Foulds:** Or Inco for that matter.

**Mr. Pope:** Let me assure you that this government is acting to the best of its ability to help solve the problems of the day, with a long look to the future.

I would not be here today if the voters of Cochrane South did not agree with the manner and methods of the Progressive Conservative government of Ontario. What I sense, Mr. Speaker, in the motion of the member for Sudbury, although it is not spelled out in the resolution, is the idea that the NDP would like us to nationalize Inco, or all resource development companies for that matter.

Mr. Speaker, this was the issue on which the last election campaign was fought in northern Ontario; and while the leader of the

New Democratic Party was playing a game of lost horizons with that policy, it is now before us again as spoken by the leadership candidates of this party.

**Mr. Deans:** Do you know Kilmarnock is ashamed of you? I checked, they're ashamed of you.

**Mr. Pope:** I say that this blind perversity and this blind unthinking commitment to an abstract philosophy—

**Mr. Martel:** Your colleagues are blind too.

**Mr. Pope:** —does not meet the needs of northern Ontario.

**Mr. Foulds:** For 33 years you haven't met the needs.

**Mr. Pope:** The people of northern Ontario have spoken and said that they do not want it, and if you continue on the course that you are now following with the blind philosophy for the benefit of the south, you're going to lose more than three seats in the next election.

#### VISITOR

**Hon. Mr. Bernier:** Mr. Speaker, I am sure members of the House would like to recognize a former member of this Legislature, a former cabinet minister, Matthew Dymond, who was with us for many years.

#### LAYOFF OF NICKEL WORKERS

(continued)

**Mr. Bolan:** I rise to speak against this motion of no confidence which was brought by the member for Sudbury, a representative of the New Democratic Party. I had a long talk with Dick Smith this morning and he advised me to deliver this speech.

**Mr. Martel:** He wrote the mining Act.

**Mr. Bolan:** I really don't think the people of Ontario want to have an election as a Christmas gift. If one transposes the period of time which one must allow from the date that an election is called, this would bring us to December 24. Surely not even the members of the New Democratic Party would want to have an election on Christmas Eve. They must be accountable for something and the least they can do is give Santa Claus a break. When I first heard of this asinine motion, I started asking myself certain questions.

**Mr. Deans:** Did you get any answers?

**Mr. Bolan:** Whose benefit was it for? Is it for the benefit of the people of Sudbury who are thrown out of work as a result of this?

**Mr. Deans:** The answer is yes.



**Mr. Bolan:** Is it for the benefit of the many workers from my riding, from Nipissing, who are affected by this?

**Mr. Martel:** And the answer is yes.

**Mr. Bolan:** I can assure you, Mr. Speaker, there are many workers in the Nipissing area who are affected by this.

**Mr. Germa:** What are you going to do about it?

**Mr. Bolan:** Within the west end of our riding we have anywhere from 50 to 75 workers who will be laid off as result of this. Not only that, before this announcement was even made the writing was on the wall in other industries within the Nipissing riding. I'm thinking of manufacturing companies like Jarvis Clark, I'm thinking of exploration companies like Canadian Longyear, Craig Bit and Mining Machinery and Equipment. Do you know, Mr. Speaker, that before the layoffs in Sudbury came, there were well over 200 people in the city of North Bay, in the manufacturing industry related to mining, who were put out of work because the orders stopped coming in from Sudbury a long time before the actual announcement was made of shutting down? While all this was going on, where were they? What were they doing about it?

**Mr. Germa:** You've got a chance now to do something about it.

**Mr. Bolan:** Now we come back to the real purpose of the motion, and you have to ask yourself why is the motion being brought. The motion is being brought for their own derelict political posturing.

**Mr. Lupusella:** Don't be silly.

**Mr. Conway:** Fall off the grandstand.

**Mr. Bolan:** That is the real motive behind the motion. I was in the House when the hon. member for Sudbury spoke out on the date of the emergency debate. To listen to this hon. gentleman speak one would think he is the only one in this House who ever worked in a mine.

**Mr. Laughren:** It was a great speech.

**Mr. Bolan:** One would think that he is the only one in this House who ever went down a shaft in a bucket or in a cage and worked in a drift or in a raise, or in a stope.

**Mr. Laughren:** All of this is coming from an over-priced lawyer.

**Mr. Roy:** He is a success.

**Mr. Bolan:** One would think he has a monopoly on having done hard work. Let me say, Mr. Speaker, that I too worked in the mines and I worked in the grimmest holes

that you would ever want to think of, that is the mines in Cobalt.

**Mr. Germa:** I know about that.

**Mr. Bolan:** If you think for one minute that working in a mine in Sudbury is hardship, then you come on up to Cobalt and I'll show you what it's like.

**Mr. Conway:** So will I.

**Mr. Bolan:** I can assure you that working in the mines in Sudbury is living in a Taj Mahal as compared to what you can expect in the mines in Cobalt.

The hon. member for Sudbury also spoke about nationalization; couched behind this unworthy motion of his lie the undertones, of course, of nationalization. That's the answer of the New Democratic Party—nationalize. As soon as a problem presents itself, that's it—nationalize it. Let the government take over, that is their answer to everything.

Well now let's look at that, let's analyse that a little bit closer.

**Mr. Martel:** What does Dick Smith say?

**Mr. Bolan:** Let me ask this question to these members to my left: Is nationalization of Inco going to create a better market for nickel in the world? Are we going to sell more nickel as a result? What are we going to accomplish? What is the cost of nationalizing Inco, \$2 billion? Fine, we will find it tomorrow. How about \$3 billion, Elie? What is the cost of that, Mr. Speaker?

**Mr. Deans:** What's is the cost of not doing it?

**Mr. Bolan:** This seems to be the philosophy of this party to the left, as soon as you have some kind of problem in an economy you nationalize the problem, you take it over.

Well let's look at some of these things. Let's look at some of the other areas in this province where there have been layoffs within the past two months.

**Mr. Laughren:** Another apologist.

**Mr. Martel:** You are sitting on the wrong side of the House.

**Mr. Bolan:** Quasar Electronics Canada Limited recently announced the shifting of production to the US with the loss of 125 jobs. Are you going to nationalize that one?

**Mr. Germa:** What are you going to do about it? Where's your recipe?

**Mr. Bolan:** Why not nationalize it? Go ahead, let's apply your logic all the way through. Let's look at other areas which have not fared too well. Fort Erie and Port Colborne.

**Mr. Martel:** Are you talking about northern Ontario or us?

**Mr. Bolan:** They are losing 384 jobs there. Nationalize that as well.

Is there anything else they want to nationalize, Mr. Speaker? It is embarrassing and it is shameful.

**Mr. Conway:** We nationalized the classroom and look what happened.

**Mr. Bolan:** As far as the other side is concerned, Mr. Speaker, they have to share the responsibility for what has happened in this province.

**Mr. Roy:** The first thing we do is fire Leo.

**Mr. Bolan:** They have known for some time that this was going on. You know if a little backbencher on the side of the official opposition can find out in July there's going to be 4,000 layoffs in Sudbury in the fall, then surely the boys on the other side are responsible to know about these things as well.

**Mr. Germa:** What are you going to do about it?

**Mr. Bolan:** Look at all of these old, tired faces sitting in that front row. Do you know what I see, Mr. Speaker? I see they are deeply lined. I see great etches in their faces; and those, Mr. Speaker, are lines of guilt. They are lines of guilt for mismanaging this province for the past 34 years.

**Mr. Roy:** Get on your knees, Leo, and apologize to the province.

**Mr. Germa:** Wash the blood off your hands, Leo.

**Mr. Bolan:** I would hope, Mr. Speaker, with the creation of a committee to look into this whole question some sensible solution other than the inanities spoken about by the people to the left will be arrived at.

**Mr. Germa:** Another study.

**Mr. Ruston:** Lean to the left, Michael.

**Mr. Bolan:** I would also hope, Mr. Speaker, with good sound planning emanating from the other side, emanating from this government in a minority position eventually we will be able to develop an industrial and resource strategy for the province of Ontario to see to it this type of problem does not arise again.

**Mr. Deans:** There isn't a great deal of time, and I don't want to waste time dealing with the comments of the member for Nipissing—

**Mr. Roy:** You should sit down right now.

**Mr. Conway:** This will be a first.

**Mr. Deans:** —other than to remind him that his predecessor was much more en-

lightened, and understood the problem of the resource sector far more intelligently than has been evidenced by the speech we just heard.

**Mr. Roy:** You are going to have a problem with predecessors, too, Ian.

**Mr. Deans:** I want to suggest that the question before us is who, in fact, is going to govern the province of Ontario.

**Hon. Mr. Bernier:** Stick to the resolution.

**Mr. Deans:** Is the province going to be governed by the corporate sector? Or is the government of Ontario going to exercise some responsibility on behalf of the people of Ontario to guarantee that there will be a reasonable share of the value of the resources of this province used in this province for future generations' needs?

And that's what the question is. The question is whether or not this government recognizes that the corporate sector in the province is now making all of the major decisions and that the decisions that are being made are not being made in the best interests of the province, but are rather being made in the best interests of the profitability of the companies involved. And that's what we are faced with.

On numerous occasions over the last number of years this government has had before it reports dealing with the resource sector in this province. It has had reports which spoke directly to the problems of northern communities on the fact that it is very difficult, if not impossible, to develop an economy in the north if it is to be reliant almost entirely on the extractive and lumber industries; that there has to be a new infrastructure to guarantee that there will be secondary manufacturing; and that there will be job opportunities that will be lasting for people who live not only in northern Ontario today, but people who are going to come into northern Ontario to live in the future.

That requires government action. The government has had recommendation after recommendation with regard to how it ought to attempt to manage the resources of the province of Ontario. It has failed in every single instance to take any action.

My colleague from Sudbury and I sat on a select committee, which made a number of recommendations; not any of them, to my best recollection, dealt with nationalization. And yet those recommendations received the concurrence and support of every single member of that committee, whether they were on this side of the House or on the government side of the House. They spoke to the need for the government to be



directly involved—directly involved in managing the resources of the province, in the interests of the people of the province.

**Hon. Mr. Bernier:** Are you going to nationalize or not? Make your position on it.

**Mr. Deans:** I want to suggest to the minister that it is said by many people that Ontario is extremely wealthy. When they say that, they speak about the resources we have, and the value of those resources. The fact of the matter is we are not extremely wealthy, because we have to ask: Who gets the wealth? And the answer is obviously, not the people of Ontario.

**Mr. S. Smith:** Oh, that is nonsense. That is real nonsense.

**Mr. Deans:** I don't need any comment from you, because I am coming to you in a minute.

**Mr. Roy:** Hang on.

**Mr. Deans:** The question is who pays the price?

**Mr. S. Smith:** That's right. They are so much better off in socialistic countries.

**Hon. Mr. Bernier:** This is your position now? Nationalization?

**Mr. Deans:** If this was the first time that Inco had acted in a bad corporate way, then I could understand it. But this is the second time in this century that Inco have failed to recognize their responsibility to the province of Ontario. In fact, at the turn of the century, there was a considerable amount of upset throughout this province as a result of Inco not responding adequately to their responsibilities.

At that time—for the benefit of the Leader of the Opposition—the Liberal Party had the intestinal fortitude to stand up and to say that the resources of the province of Ontario should be developed in the public sector.

**Mr. S. Smith:** Is that what you are saying now?

**Mr. Deans:** That's where the Liberal Party stood, which is considerably different from where they stand now, for they are prepared to give the resources away without any consideration for the rate of return—

**Mr. S. Smith:** Are you saying that now? Are you for nationalization?

**Mr. Deans:** —without any consideration for planning, and without any consideration for the future needs of the province.

**Mr. Acting Speaker:** Order, please.

**Mr. Deans:** This is in fact the tip of the iceberg.

**Mr. S. Smith:** Are you for nationalization though?

**Mr. Deans:** This is the tip of the iceberg. What we have is a company that is fabulously wealthy in its own right.

**Mr. S. Smith:** And you are going to nationalize them, right?

**Mr. Deans:** Inco has been given concession after concession by the federal government; concession after concession by the provincial government. There has never been one single attempt made by this government to determine how those resources ought to be developed in Ontario for our benefit. And the difficulty we have is, by virtue of the giveaway programs of this government and its inability to come to grips with the kind of economic planning that is necessary, that this company has been able to take the wealth of Ontario and to put it outside of this country to develop alternative sources of the resource. Thus, we are now faced with a situation which will continue to deteriorate.

What we are seeing in Sudbury today is the beginning.

**Mr. Martel:** That's right.

**Mr. Deans:** It's not just simply a slight drop in the productive capacity. It is the beginning of a gradual phase-out of the operations in the Sudbury basin by Inco in the interests of the operations they are now developing in Indonesia and Guatemala.

If you take a look at the Guatemala and Indonesia situation you find that in one case they're in partnership with the government. In the other case their partnership extends not only to the government but to the Japanese interests, who in fact won't now buy the refined ore from Ontario because they have an interest in getting it from where they have a partnership, and that's in Indonesia.

**Mr. S. Smith:** Ten per cent.

**Mr. Deans:** I don't care if it's one per cent.

**Mr. S. Smith:** We could ship it from Sudbury into that subsidiary if we have to, and then to Japan.

**Mr. Deans:** Oh, could we?

**Mr. Martel:** That is what you advocate, fewer jobs.

**Mr. Acting Speaker:** Order, please.

**Mr. Deans:** What we were faced with in the area was the union in Sudbury being quite prepared to enter into any kind of reasonable arrangements to preserve the jobs of the people there. Unfortunately the government wasn't even interested in sitting

down and talking about those things. The company, recognizing that it had the full support of the Tory government of Ontario, didn't feel any obligation to sit down and discuss what might reasonably be done in order to keep those jobs in place.

I think there are a number of things we've got to do in this province. I want to suggest them in the two or three minutes I have left.

I think the first thing we've got to do is develop a policy which brings an end to this government's complicity in encouraging direct foreign investment in the resource sector.

I think secondly, that we've got to make sure that in the mineral resource sector, particularly in nickel and copper where the jobs are already being lost, the government has to stop or make representation to Ottawa to stop all of the depletion allowances, all of the arrangements that are currently in place, until such times as we can come to an arrangement with Inco about its continued operations in this province.

I think the government has to launch a policy of pressuring the resource corporations into making sure their priorities are consistent with the priorities that may be in the best interests of the province of Ontario.

Finally, I think the government has to take a stand and say since the profitability of this corporation is immense, we will not have these layoffs take place until such time as there is a rationalization of the industry and an understanding of what the future development is to be.

I think the government has to sit down and begin a process of economic planning. That economic planning has to follow the patterns established by many industrial nations in the world, in that there has to be an overall economic plan. There has to be sector planning in the economy. That planning has to apply not only in the public sector but it must also apply in the private sector.

There has to be a clear understanding of what not only Inco will do, but what all of the other resource-based industries intend to do with regard to the future of Ontario. I think we must set economic priorities in this province. One of the primary priorities—in fact, probably the single most important priority—has to be jobs in this province. There has to be a clear understanding of what we expect from companies operating in this province, of what we expect by way of direct return in taxation, and of what we expect by way of what is called by the Treasurer “good corporate citizenship.”

I think we have to establish clearly in the province that the raw material potential is to be used in the interest of the province of

Ontario and of all Canadians. We have to make sure the resources are being developed in our best interest, because they are our resources.

I think we have to take steps to try to come to grips with the manufacturing sector directly related to the mining industry. We've got to take a look at how we develop that manufacturing sector so we can, in fact, manufacture machinery, so we can, in fact, use the potential we've got in order to build an infrastructure for northern Ontario that would sustain itself through periods such as this we're now going through.

In the public-private argument I'm convinced, looking historically at what's happened throughout most, if not all, of northern Ontario, and looking back to the early part of this century, to what happened with International Nickel, we, the public of Ontario, have been abused, shortchanged and even cheated by the actions of companies such as Inco and by the action and non-action of this government and its predecessors.

**Mr. Germa:** Resign.

**Mr. Deans:** I want to tell you, Mr. Speaker, the future development of resources in this province should and must be in the public sector. I want to tell you further the reason is because they are our resources and for 70-odd years, for 70-odd years we have allowed the private sector to develop them and we have virtually nothing to show for it.

**Mr. Martel:** Empty mine shafts.

**Mr. Deans:** We can't possibly do the planning that has to be done in the interests of the people who are going to live here generations from now, unless we have a direct say in how those resources are to be developed.

**Hon. Mr. Bernier:** I am surprised you take that stand. I want to see where Mike stands.

**Mr. Deans:** We have an obligation to develop—

**Mr. Wildman:** A gold mine.

**Mr. Deans:** —and to determine what is in our best interests—and we have an obligation to develop an economic plan that will speak to the needs of this Ontario and a future Ontario.

**Mr. Lane:** I would like to congratulate the last speaker on a very good leadership speech. It was too bad there was no practical suggestion to the problems we are facing in Sudbury today.

**Hon. Mr. Bernier:** Right on.

**Mr. Lane:** And it is also too bad the third party has to use this kind of a crisis for political purposes.



**Mr. Wildman:** Come on, John, you don't believe that.

**Mr. Cassidy:** You are not a politician, eh?

**Mr. Lane:** I would like to go back a few years and think about how and when mining started in Sudbury. I understand it was about 1882 when the CPR tracks were being laid in Sudbury that the rich ore was discovered but copper was more important in those days than nickel.

**Mr. Laughren:** Address yourself to the issue. You know what the motion says.

**Mr. Lane:** The Canadian Copper Company was formed in 1886.

**Mr. Germa:** I read the book, John.

**Mr. Lane:** In about 1900 nickel became rather important and the Mond Nickel Company came on stream. These companies continued to operate until about 1929, when they were merged with Inco.

**Mr. Martel:** Tell us in your history analysis how we got a refinery in Canada.

**Mr. Lane:** I might point out at that time Inco had 5,780 people on its payroll. Now Inco has 17,000 people.

The city has grown with the company. Back in the 1930s when there weren't any jobs for anybody, anywhere, people from my riding were able to get jobs with Inco in Sudbury, because as I said, they had 5,780 employed at that time.

**Mr. Wildman:** You know, John, if they had their druthers, they would be back in Manitoba.

**Mr. Lane:** I am a little bit older than some of the members and I have been around a little bit more and maybe I am more of a northerner than some of them, but I worked in Sudbury in 1938—

**Mr. Germa:** Why did you leave?

**Mr. Lane:** —and I can recall going to the Inco employment office at 4 o'clock in the morning only to find that 500 men were in line—some of them had been there all night—trying to get a job with International Nickel. That is how scarce jobs were in those days. And Inco was one of the employers in my area.

**Mr. Germa:** Why is everybody leaving?

**Mr. Havrot:** Found out that you were there.

**Mr. Wildman:** Want to return to those days, John?

**Mr. Lane:** As a matter of fact, a number of the young farm boys from Manitoulin Island worked in Inco in the 1930s. Some saved enough money in the years of the de-

pression to go back home and buy a farm which is still owned by that family. So Inco has done a lot of things, not only for Sudbury, but also for the surrounding area.

Interjections.

**Mr. Laughren:** Boy, this is some apology. Whose pocket are you in?

**Mr. Lane:** You know, Mr. Speaker, I did not really know how bad the people who run Inco were until I was elected as member for Algoma-Manitoulin in 1971 and heard the members from the Sudbury area tell this government almost on a daily basis what bad people were running Inco.

**Mr. Martel:** And they were right. Look what they have done to us today.

**Mr. Laughren:** Now you.

**Mr. Lane:** I always felt the elected representative from any area, more or less, became the spokesman for that area.

**Mr. Germa:** We are.

**Mr. Lane:** When a member runs down his own riding—

**Mr. Wildman:** Oh, come on.

**Mr. Germa:** I am not in Inco's pocket.

**Mr. Lane:** —runs down his own town, runs down the company that built that town, I point out we would not have had a city of Sudbury with 100,000 people or so, had it not been for Inco.

**Mr. Wildman:** How about that.

**Mr. Laughren:** You are an embarrassment; you embarrass your own party.

**Mr. Lane:** I am not saying by any stretch of the imagination Inco has done everything right, because there is no company that does everything right. But I will tell you one thing, if I were to get together all the Hansards published since I became a member six years ago, put them together in a book and handed it to Inco, if they were not interested in Sudbury they would not just cut back on the jobs, they would simply move out of the area as a result of what members from that area have said.

**Mr. Martel:** I wish they would. I would even give them bus fare.

**Mr. Acting Speaker:** Order.

**Mr. Lane:** I believe the hon. member said on one occasion before that they could do without Inco in Sudbury.

**Mr. Germa:** We will do it ourselves.

[4:45]

**Mr. Martel:** If they promised to leave I will even pack their bags.

**Mr. Acting Speaker:** Order, please.

**Mr. Laughren:** There's blood on your hands, Leo. You are not one to talk.

**Mr. Germa:** Eleven dead men last year.

**Hon. Mr. Bernier:** You don't know what it is to make a dollar.

**Mr. Laughren:** Not dishonestly, that's right. We don't make dollars from the public the way you have.

**Mr. Lane:** Mr. Speaker, could I have some order please?

**Mr. Acting Speaker:** Order, please.

**Mr. Lane:** If it wasn't a sad situation we're facing it would be almost funny.

**Mr. Acting Speaker:** Could we please stop the cross talk and allow the member to continue?

**Mr. Laughren:** You are being provocative.

**Mr. Lane:** The members from that area have been continually downgrading the company, downgrading the government—

**Mr. Laughren:** We don't want blood on our heads.

**Mr. Cassidy:** We will keep on downgrading you, too.

**Mr. Lane:** —saying we don't need Inco. Now they're saying save us, save us, save us from them.

**Mr. Martel:** Nationalize them, we will take them over. The Premier even made me the manager.

**Mr. Lane:** Certainly this government, the government that I'm proud to be a member of, will do everything possible to help the situation in Elliot Lake.

**Mr. Laughren:** Blood on your hands there, John.

**Mr. Germa:** How many dead men there, 34?

**Mr. Lane:** We have always responded to situations like that Elliot Lake had a few years ago which Sudbury has today. We respond to the needs of the people. We always have and we always will. And we'll do everything that we can to help the situation we're now faced with in Sudbury.

I don't proclaim that we never did anything wrong, but we do have a very high batting average. The people of this province have enjoyed a very high standard of livelihood for the last 30 years because of that batting average.

**Mr. Laughren:** How about the miners at Elliot Lake?

**Hon. Mr. Bernier:** A banner province.

**Mr. Lane:** I am calling on all members of this House regardless of party affiliation

to lend their efforts to help resolve this serious situation we now have in Sudbury and not just try to make political marks on it.

I have here a copy of Hansard for June 27, 1977, where the hon. member for Bellwoods (Mr. McClellan) is making a speech. He's saying we should have a moratorium on all development north of the 50th parallel.

**Hon. Mr. Bernier:** That's right.

**Mr. Lane:** That's what those people want, they want a moratorium on everything. When I was trying to get a Ministry of Northern Affairs so we'd have a vehicle for the north they fought me every inch of the way.

**Mr. Foulds:** And look what he's done to save the jobs.

**Mr. Lane:** Just give us time. Those guys over there didn't want the province to—they wanted to make marks at the expense of people. They want to make marks now at the expense of the worker in Sudbury, that's why they want an election.

**Mr. Foulds:** Marks? What the hell are you talking about? Do you know what you are talking about?

**Mr. Lane:** The hon. member of the official opposition hit the nail right on the head a while ago when he said there wasn't anybody else so stupid in this country who would want an election at this time to resolve this kind of a problem. He was right on.

Mining has been the main source of employment in Sudbury now for nearly 100 years. I'm sure that if we do as I have suggested, and everybody lends their efforts to try and resolve the problem that we're faced with, it will be the main source of employment a hundred years from now.

**Mr. O'Neil:** It's a pleasure to make a few comments today concerning the problem that we have in Sudbury with Inco. As was mentioned by our leader in the few words he gave at the beginning of this afternoon, several from our party visited Sudbury during the summer months and spoke with some of the union members at that place. We were made aware of some of the serious problems which were pending, not only with Inco but also with Falconbridge. We met with labour people and management people, and came back and expressed our concern to our leader and our caucus members. As a result of that the Leader of the Opposition visited the area and had discussions of his own with people in that area.

**Mr. Eaton:** You mean he actually went back to the north? One time he said he wouldn't.



**Mr. O'Neil:** As I say, we were very concerned, and our concern was that the government, which I understand had the same information in the dialogue with some of the union and management people, did not take steps to try to find a solution to this. I feel that a lot of the onus lies not only on the government but on the present Minister of Labour for not providing some better type of preventive medicine or sending a team of troubleshooters to the Sudbury area to talk to these people with whom we had talked and to try to solve the problem or to come up with some suggestions.

Some measures have been brought to light now, of course, such as the building program the province plans to initiate in Sudbury and some of the dialogue concerning travel between Sudbury and Elliot Lake, but again these are things that could have been started or put into effect many months ago, had the government moved a little.

**Mr. Martel:** The building was started two years ago.

**Mr. O'Neil:** Yes, but it hasn't progressed to the extent it should have to put some of these people to work who are out of work now.

**Mr. Martel:** That's the sop.

**Mr. O'Neil:** I say to my friend that he has his reasons for making his comments.

I was very pleased last week to introduce one of the things I think possibly could have got rid of some of the problems we have. I refer to the private member's bill that I introduced last week, the purpose of which was to increase the time of notice to an employee whose employment is to be terminated where the employer plans to terminate employment with certain numbers of people—50 to 200, 200 to 500, and over 500. If a bill such as this had been brought into this Legislature some time ago and put through, it would have solved many of the problems we have today.

Our leader has made some comments this afternoon about his desire that a committee, possibly a select committee, be set up to study the resource sector, and hopefully, that this would be set up after we have meetings, first of all, with Inco. It is our hope that such a select committee will be set up so we can look at the resources sector in this province to see that there is an overall plan that can be approached.

**Mr. Foulds:** Mackenzie King style: postpone, postpone; never do anything by halves what you can do by quarters.

**Mr. O'Neil:** The member for Wentworth a few minutes ago mentioned nationalization

and made some comments concerning Inco. As was mentioned by the previous speaker, Inco can't take all the blame. Mind you, there are a lot of things that could have been done by the company. But, on the other hand, I think we have to realize, as responsible people, that there wouldn't be the jobs there are in the Sudbury area if it hadn't been for the nickel companies. As was stated by the previous speaker, it has resulted in a very excellent area and a very nice city of Sudbury.

With the establishment of the committee, and if the Inco people and some of the business and labour people come before this committee, I hope we'll come up with some of the solutions that are needed, that these people will not be put out of work and that it will be followed by a committee to study the total resource sector.

**Mr. Germa:** That was pretty weak.

**Mr. Cassidy:** Mr. Speaker, I want to say that I'm disturbed both by what the government has had to say about this resolution today and by what the official opposition has had to say.

**Mr. S. Smith:** And your two colleagues.

**Mr. Cassidy:** The cabinet is meeting while Sudbury bleeds to death. The leader of the official opposition says we should have more meetings; he wants to huff and puff like the big bad wolf in the fairy tale in the hope that Inco somehow is going to come to heel.

**Mr. Eaton:** Talk about huffing and puffing; that's you.

**Mr. Cassidy:** It's simply not true that the strategies of the government have been effective, and it's certainly not true that the work of the official opposition is going to have any effect at all.

I grant that the government has put a certain amount of money into northern Ontario. But the thing that bothers me about the statements that have been made in the House today is the belief of the government. They are so opposed to any kind of government spending that they believe every nickel and every dime that is spent from government funds in the north is a gift rather than the right of the people of northern Ontario.

They do not understand that for year after year, and decade after decade, southern Ontario has been milking the north dry and it's about time we reversed that particular process. That's what this resolution is about. It speaks to the layoffs at Inco and it speaks to the failure of the government of this province to develop a viable strategy for the economic development of the north so we are



not subject to the boom and bust cycle of a dependence on resources.

The government has mismanaged the north. It has mismanaged the economy. Now we are having to try and pick up the pieces at a time when the economy of the province is weak and when it is exceptionally difficult to put the whole situation back together.

I want to read to you, Mr. Speaker, some statements by the Premier of this province, commitments which sounded pretty good but which in fact had no meaning at all. Back in April of 1976, he introduced the Design for Development documents into the House to say how we were going after 10 years of planning in the province. He said the government aimed at the increased development of the north. They have botched that, Mr. Speaker.

He said the government aimed at diversified development of the east. They mismanaged that, Mr. Speaker.

He said the government wanted to see the enlightened use of our natural resources. They have mismanaged that, Mr. Speaker. He said the government wanted to see development of strategies for the careful use of mining and lumbering reserves—mismanaged and botched all the way, Mr. Speaker.

In Trends and Options, which was the major statement of the government's policy about how they wanted to develop this province, they talked about a balanced growth across the province and the reduction of economic disparities. Well, Darcy McKeough doesn't talk that language any more, because it has been botched—mismanaged, Mr. Speaker—and we are not making any progress.

The government said in particular it would be its aim to have the stimulation of economic growth in northern Ontario. What we have now is the deindustrialization of the north. Now people who have worked and lived for generations in northern Ontario are having to pay the price.

The Treasurer said good planning is simply good management. We agree with that. We find a failure in good management on the part of the government and now the problems are being felt up in northern Ontario.

The government says it's committed to comprehensive and effective provincial and regional planning. They said they were reaffirming that particular policy, but in fact they have been backing away from it on a systematic basis.

Both the government's own documents and the Ontario Economic Council point to the failure to develop growth in the north, to the slowdown in the primary industries, to the fact that incomes in the north are below

the provincial average and to the fact that the social and cultural amenities people should have in northern Ontario simply have not been installed because this government exists for southern Ontario and not to give equal opportunities to people across the province.

The government over the past 10 years has systematically destroyed what once looked like a promising effort to get into systematic planning for the province. When Design for Development began, it was a plan; now it is simply a strategy. Originally it was going to be acted upon; now they are looking for comments and nothing more. That's particularly true with relation to northeastern Ontario. We have to try and build a balanced economy, when economic conditions are tough, because we didn't work to build a balanced economy when economic conditions were booming.

The government is setting up a committee to examine the future of the mining communities after disbanding six years ago the development councils which were designed to do specifically that in northeastern Ontario.

The government has failed to establish the advisory committees which were called for in the Design for Development process in order to ensure that there would be local input into the planning exercise which is now being abandoned.

What we have instead is a Treasurer who says—and I quote, believe it or not: "With just a little more social awareness in the decisions of the private sector about where they set up new operations, we could have a significant impact on regional development." That's what this government believes about regional development. Stand back and let the private sector do it all.

I want to say to you, Mr. Speaker, I have been gravely disappointed, when we have come to the specific questions about Inco, in the lack of concern of the government and in their failure to take any effective actions—even to put up the pretence of trying.

We asked the Treasurer whether he had any specific figures for the tax concessions given to the company. He said, "No."

We asked if he had ever talked to the company and asked them to create jobs on the basis of the tax concessions they are being given. He said, "No."

Had anybody else from the government done that? He said, "No."

We asked if Inco was a good corporate citizen. He said: "Yes." The Minister of Industry and Tourism said the same thing. We profoundly disagree that a company



which has created jobs in the north but has failed to reinvest its profits in the north, has created pollution in the north, has built up a multi-national enterprise in the United States, in Wales, in Guatemala, and in Indonesia without any sense of responsibility at all to what is happening in northern Ontario, can be considered as a good corporate citizen.

[5:00]

It goes even further than that. Last May, the Treasurer and the Minister of the Environment (Mr. Kerr) met with Inco and asked them how they were doing. Inco described its ventures in the developing world. They patted them on the head and said; "That's great."

Inco described what it was doing in the field of undersea mining of nickel nodules, and the Treasurer says now, "It is fair to say we gave them a great deal of encouragement."

"That was great," they said. "Take your marbles out of this country, and we'll cheer as you take your wealth from northern Ontario out of the country."

This government has failed to give direction to the private sector in northern Ontario in the development of Ontario's publicly-owned resources. This government has failed. Other people in the private sector have stepped in and have given instructions to Inco, which it heeded when it would not even consider talking to this government.

What hasn't come to the public's attention yet is the fact that shortly before Inco began that two-week process of deciding on the layoffs, they had a letter from Moody's and a letter from Standard and Poors, the two major bond rating institutions down in New York. Moody's cut Inco from a rating of AA to A, and Standard and Poors adjusted them from AA to AA minus.

When the financiers on Wall Street spoke, Inco shut down in Sudbury. That's the truth of the capitalistic system as it applied to northern Ontario. That was an inevitable consequence when this government failed to plan for the future of northern Ontario, and left the future of 2,800 miners and the future of this province in the hands of the private sector.

A company whose reserves are worth \$35 billion proven and \$100 billion sitting there in the ground should have more responsibility than that. A company with \$1.5 billion of working capital and \$800 million worth of assets should be prepared to put off those layoffs until adequate provision is made for the future development of northern Ontario.

A government which is concerned about the future of this province should ensure that our public resources are used to ensure jobs, and ensure that a diversification of the economy take place. That's not occurring right now. It hasn't planned over the last 10 years. The government hasn't responded to these particular layoffs, it is resigning itself to the private sector, and all of the impact that that sector is having on our people today. We say that isn't good enough. We say it is time we go back to the people of the province and install a new government, which can plan adequately for the future of northern Ontario and for Ontario as a whole.

**Mr. Maeck:** Mr. Speaker, may I point out to you, sir, that we only have 14 minutes and 48 seconds left for our party, so we will hold off and use it for a windup speech. If there are other members who wish to speak they can continue the debate until we have our 15 minutes.

**Mr. Deans:** Just one quick comment. Well, that is true; you would of course speak second last.

**Mr. Maeck:** I am not objecting to that, but I want to be sure the members use all the time. We have used our share, we want to reserve the other 15 minutes.

**Mr. Kerrio:** At the outset I would like to say that it's a very irresponsible motion. If it were to accomplish something it would be worth considering but the party left of us knows fundamentally that there is nothing to be gained by passing this motion on the floor of this Legislature.

**Mr. Foulds:** It might turf the beggars out. That might accomplish something.

**Mr. Kerrio:** The fact of the matter is that at a time when Canada led the world in nickel deposits and supply, nothing was done in the way that would cause us to have the kind of impact that could have been had on the markets of the world. Since then, the discovery of nickel in many other areas certainly has put us in an entirely different position.

I think the responsibility of those of us on the floor of the Legislature as far as private enterprise is concerned is to see to it through a tax structure and through a responsible position in this Legislature that those people that are given the opportunity and the privilege of extracting the ores from this country of ours are made to pay a fair share of taxes and to make a commitment to a reinvestment in the country that they extract these ores from.

The fact that nationalization could even be considered as a way out is certainly kidding everyone in this province. The fact that



hardly anything that's nationalized or run by the government is as competitive as the free enterprise system is easily proven.

**Mr. Laughren:** That's an in-depth analysis.

**Mr. Ziemba:** It sure beats unemployment.

**Mr. Kerrio:** I rise here to suggest that we have had a recent election, that there is nothing to be proven by an election and that the foisting of an election on the citizens of this province at this time is not going to help the Inco workers, and that's what we should be addressing ourselves to.

It just so happens that as recently as three days ago I rose on the floor of this Legislature to ask the Premier of this province if he would address himself to seeing if we can move the federal government into purchasing pipe for the pipeline that is manufactured in Ontario, in Welland, if you will. That's the kind of constructive criticism we need in this Legislature today. Those are the things that will create jobs. Those are things that are immediate and in the offing.

I stand here and tell the party to the left that they can move this piece of legislation across the floor and if there was by some chance a miracle that it might pass, they would accomplish nothing—absolutely nothing.

**Mr. Laughren:** Try us.

**Mr. Kerrio:** It's a posture they're taking that is not going to fool anyone in the province of Ontario.

**Mr. Laughren:** Ask your leader about Port Colborne.

**Mr. Breithaupt:** What about it?

**Mr. Kerrio:** To get back to the suggestion that I have for that party, I would suggest to them—

**Mr. Laughren:** The Liberal Party would wipe out Port Colborne completely.

**Mr. Acting Speaker:** Order, please.

**Mr. S. Smith:** How many orders would nationalization get for Port Colborne?

**Mr. Acting Speaker:** Order, please. Would the Leader of the Opposition and the members of the third party please allow the member for Niagara Falls to continue.

**Mr. Samis:** Start over again.

**Mr. Kerrio:** I say it's time to address ourselves in this House to meaningful input, to doing something that would have a good chance of creating jobs, not to attempt to put something on the floor that takes up our time and that isn't going to accomplish anything in the way of providing jobs for the workers in Ontario.

I would like to get back to the original statement that I made, if those people on

the left would listen. We have now committed ourselves to putting one of the biggest construction jobs into place in the western part of Canada.

**Mr. Laughren:** You are a hero.

**Mr. Kerrio:** The major portion of the contract for the installation has been let to a construction company. We have not committed ourselves to the purchasing of the pipe, which is a billion-dollar purchase. It can be manufactured in Welland, Ontario, a stone's throw from Port Colborne where Inco has put so many people out of work. I tell members this is the kind of constructive criticism that should be directed at the government, but it also should be put to the people over there. It's the kind of thing we have to address ourselves to to make this economy move.

That kind of thing the party to my left is doing today and the kind of time it's taking up today is going to accomplish nothing. I would say to them that I've asked the Premier of this province to participate and to get to the federal government. The installation part of the pipeline contract has been let but the pipe has not been bargained for as yet.

**Mr. Laughren:** You should hear what I told him.

**Mr. Kerrio:** The Americans are expecting a part of the order. All that we've been committed to so far is that it's going to be done in a way that's competitive. At this juncture, we need a little bit more of a guarantee than that. I say in all fairness to the Canadian scene that as the pipeline is crossing Canadian territory we should have a good portion of that commitment to the Canadians. In that way we'll have it committed to Ontario. It is one of the few jurisdictions that can produce the type of product that is being looked for.

I say to the members of the NDP with respect—and I'll tell them they will not budge me from the position—that any place in the whole world where this socialist jurisdiction has prevailed has been a complete and utter failure. We still can stand proudly and suggest to the members to my left that the free-enterprise system is still the only way to go.

That thing they presented on the floor here today is going to fail because it's going to accomplish absolutely nothing and that is what that party has to offer this whole society of ours—nothing.

**Mr. MacDonald:** You ought to read Canadian history.

**Hon. F. S. Miller:** Mr. Speaker, the resolution before the House expresses lack of confi-



dence in this government, and I suppose that is fair enough. But at a time like this I wonder if it in fact is the appropriate response of a responsible government to a problem we all face. You know, in the opposition all three respective candidates for the leadership have talked about nationalization of the company as the solution. Nationalization will not sell metal.

**Mr. Laughren:** So simplistic.

**Hon. F. S. Miller:** The simplistic part of this House is not on this side or in this part of this side, it is in that part of the House.

**Mr. S. Smith:** Let the record show he pointed to the NDP.

**Hon. F. S. Miller:** I think in fact we have, as the introducer of the motion pointed out very early in the game, two basic problems and the first is the immediate problem of helping the displaced workers in the Sudbury area either to retain their jobs with Inco, or to help them to find employment elsewhere.

As a matter of fact, I think a good deal is going on at this point. Last week, as you know, Mr. Speaker, the Premier appointed me as chairman of a committee to look into both the short-term and the long-term problem. That is a job that I have taken on with enthusiasm. I have met with my colleagues, I have met twice with representatives of, first, the northern mining communities and, second, with the Sudbury committee, as I believe it calls itself. I found them to be a very, very responsible mixture of labour, management and business people from the community. In fact, it was one of the most reassuring things I have seen.

**Mr. Martel:** We are on that committee by the way.

**Hon. F. S. Miller:** All right, but the people present at that meeting were responsible. I will phrase it that way.

**Mr. Martel:** No, we made the decision they asked for.

**Hon. F. S. Miller:** This group, while having individual differences, is interested in solutions, not in rhetoric. This House needs to be interested in solutions and not in rhetoric.

**Mr. Lewis:** What is the minister going to do?

**Hon. F. S. Miller:** What am I going to do? First, both management and labour have assured us that they need some time to complete certain discussions they are now having. That, I am sure, is an encouraging sign. I hope those in the NDP party accept it as encouraging—

**Mr. Lewis:** Not NDP party, the NDP.

**Hon. F. S. Miller:** I am sorry, the member is correct. I am being redundant.

**An hon. member:** It's not a party—it's a movement.

**Hon. F. S. Miller:** It is a collection of free souls who found no other banner to associate them.

We are working with that group and I would hope before too many days or weeks pass we will have the opportunity to visit them up there after there has been time for the decisions or the discussions between the company and the union to have been completed. They are anxious for us to wait for that time and we are willing to.

In the meantime, we have taken two positive steps: We have shown our faith in the community because we believe the community of Sudbury has a great future, and we need to help them through what is a present trough until that time. In the long range what this province will be doing—

[5:15]

**Mr. Lewis:** You have offered nothing in the short range.

**Mr. Speaker:** I think I have the member for Scarborough West down to speak later.

**Hon. F. S. Miller:** From 5.42 to 5.50.

**Mr. Lewis:** Do you, Mr. Speaker? All right, whatever you say.

**Hon. F. S. Miller:** In the long range of course, we have to be concerned about this province's mines' ability to compete in world markets. In fact, we have to be concerned about attracting the investment to develop the future mines which most assuredly will be found in the province of Ontario.

**Mr. Mackenzie:** What about their problems going out of the province?

**Hon. F. S. Miller:** This province has the best technology in the world for the discovery of ore bodies. That, in fact, is one of our export products. We are exporting the expertise to discover mines in other countries as a business.

**Mr. Reid:** Guatemala, Indonesia.

**Hon. F. S. Miller:** Yes. Is it not better that Canadians be involved in the process than not involved?

**Mr. S. Smith:** Yes, but do you understand what it means?

**Hon. F. S. Miller:** I'm talking about exploration right now, not development. They are entirely different things. I see as my duty as minister the responsibility, with my committee, to find a tax structure which will maximize employment in mining and process-

ing in northern Ontario. That has to be a very neat balance between extremes. I've heard one side which says, sell everything we can in as unfinished a state as we possibly can, via Indonesia or any other route.

**Mr. S. Smith:** Seventy-five per cent product, you know darn well.

**Mr. Speaker:** The Leader of the Opposition has already spoken.

**Hon. F. S. Miller:** The other extreme won't ship anything out until it's finally refined. In today's world, it's not a seller's market, it's a buyer's market and the policies will need to reflect that.

**Mr. S. Smith:** So we shouldn't buy either.

**Hon. F. S. Miller:** If one looks at it, there are some seven or eight jobs in the mines for every job in the refining process. That's the key thing; the mining is the greatest part of the labour content of the extraction and processing of our ores. As a country, we need to make it amply evident to the people we are dealing with, the people who have a choice of developing ore bodies here or ore bodies in some other location, they can count on private ownership of their mine through the duration of its life. They can count on a tax system that will be equitable so they in turn will have a return on their investment.

**Mr. Laughren:** Want to tell them to lower the price?

**Mr. Mackenzie:** Get rid of the surplus.

**Hon. F. S. Miller:** That's one of our future policies. We have to look at many other things in the north that don't relate to mining, but specifically I'm going to take a good look at that with my committee in the near future.

I have begun to talk about these problems with the Ontario Mining Association. We had our second meeting on that topic yesterday.

**Mr. Martel:** I have been asking for that for 10 years.

**Hon. F. S. Miller:** And we will continue those. They are very complex discussions.

**Mr. Martel:** Well, you are in trouble today, aren't you, because you didn't act?

**Hon. F. S. Miller:** They probably took the advice from whence it came and ignored it, as they should have done.

**Mr. Martel:** You're in trouble today, aren't you?

**Hon. F. S. Miller:** I'm in trouble today because I listened too often to the member for Sudbury East. In any case, Mr. Speaker, I'm satisfied there is a danger of overreaction. There is a danger of frightening away the very people on whom we need to count for

the continuation of the success of the Sudbury basin. I'm convinced our committee and this government has within its hands—

**Mr. Lewis:** Who would you frighten away?

**Mr. Speaker:** Order. Just ignore the interjections.

**Hon. F. S. Miller:** I'll rephrase it, Mr. Speaker. Let me put it this way. Prophecies, as you know, are often self-fulfilling. One of the problems we face in this country is taking a calamity such as has happened in this area and talking about it to the point where we frighten many other people from making decisions they otherwise would have made. Which in turn, cuts down on retail purchasing, which cuts down on manufacturing, which increases unemployment and which deepens the cycle. To me, that is the basic problem I hear when I hear the opposition talking about lack of concern for our government.

I'm sure there are other speakers who wish to speak and I'll stop here.

**Mr. Speaker:** The hon. member for Rainy River.

**Mr. Conway:** Now here is Liberal and Labour.

**Mr. Martel:** The only one in the House.

**Mr. Reid:** He used to be a friend of mine. I sympathize a great deal with the motion as put forward by the member for Sudbury—

**Mr. Mackenzie:** However.

**Mr. Reid:** —because as a member from northern Ontario I share his frustration. Besides feeling frustrated about the lack of action by the government, I also feel a certain amount of despair about the whole situation, because I have been a member of the House for 10 years. While I won't ask you to concur with my remarks, I think you, Mr. Speaker, probably share the feeling of the people of northern Ontario. In my 10 years here, we've seen very little by way of improvement of the situation in northern Ontario.

There's not much coming forth from the government benches to really indicate that that situation is going to change. The Minister of Natural Resources, in his usual—

**Mr. Wildman:** Affable.

**Mr. Reid:** Thank you—affable style, has sort of calmed the waters in saying: "Now, this is our future policy and we're going to do this 10 or 20 years from now." We have a press release and a statement from the Premier that we're going to have, in response to this crisis in Sudbury, a cabinet committee set up, composed of the Minister of Natural Resources, the Minister of Northern Affairs, the



Minister of Labour and the Minister of Industry and Tourism.

I would like to ask, and since the Premier is with us, perhaps he can answer, why, in the name of all that is holy, first of all, is the minister responsible for resource development in this province not on that committee? Considering his depth of knowledge in regard to resource development—

**Mr. Conway:** Indian affairs.

**Mr. Reid:** Indian affairs, and bilingualism, all of which he is responsible for, and has displayed an amazing grasp of nothing concerning these matters, what is that particular minister doing? The other person who should be, who makes all the decisions in the government and who is not on this committee, is the Treasurer. It doesn't matter what the Minister of Natural Resources says, or the Minister of Industry and Tourism, or the Minister of Labour, and certainly, least of all, what the Minister of Northern Affairs says because it's going to be the Treasurer who makes the ultimate and final decision. We know what his response is: "Nothing can be done."

**Mr. Martel:** For 20 years in the north.

**Hon. Mr. Davis:** What is this all about anyway?

**Mr. Reid:** The fault does not lie entirely with the provincial government. The federal government is to be condemned also, because we have no national industrial strategy. We have no natural resource strategy. We have no national transportation policy; that should be an integral part of those matters.

**Mr. Conway:** Throw them out.

**Mr. Reid:** But that does not excuse the provincial government from having carried on in the same manner, with a complete lack of policy and direction, in northern Ontario.

**Mr. Swart:** Lack of economic planning.

**Mr. Reid:** For some 10 years, myself and yourself, Mr. Speaker, and others, have asked for some policy in regard to resource communities in northern Ontario and one-industry towns. We've got no response from the policy ministry, the Provincial Secretariat for Resources Development. I tried to get in the back door, so to speak, once by imploring the Minister of Labour to look at the effects of strikes in one-industry towns—to highlight the problem of the economy of a one-industry town, all of which, with few exceptions, are in northern Ontario.

**Mr. Conway:** Is Brampton a one-industry town?

**Mr. Reid:** This government has got to be condemned equally with the federal govern-

ment for the lack of policy in this regard. It's a sad state of affairs that with the bureaucracy and the number of civil servants and the cabinet committees and all the highly-priced people that we have—and some of them are very good—we have only to come up with some kind of holding policy when we run into what amounts to a veritable crisis, whether it be Reed Paper and the mercury situation, or whether it be Inco and the layoffs.

We have no response to these things. I'd be the first to admit there are no easy solutions. Obviously, with all due respect to my friend I think he's put the motion to emphasize his frustration, his despair, and to underline the importance of having these kinds of policies. Obviously, that is the reason this motion is there, because an election is not going to solve the problems of Sudbury.

**Mr. Speaker,** we have a stranger in the House. I would ask your indulgence while we introduce him to the House. The leader of the federal New Democratic Party, Mr. Broadbent, is with us. He is obviously here, Mr. Speaker, to get some policy positions from the Ontario Liberal Party to take back with him to Ottawa.

**Hon. Mr. Davis:** He will be very disappointed if that is why he came.

**Mr. Reid:** He can only go up. It can only be an improvement.

**Mr. Conway:** He is here for the leadership race.

**Mr. MacDonald:** He is more perceptive than that.

**Hon. Mr. Davis:** Yes, you are right, but I will tell you why he is here some time.

**Mr. Breaugh:** We already know and we don't care.

**Mr. Breithaupt:** Another appointment?

**Mr. Reid:** Does Walter Pitman need an associate at Ryerson?

The Minister of Natural Resources has mentioned some future policies again—

**Mr. Martel:** That is down the road.

**Mr. Reid:** —and that is not going to cure the problems we're going to have. We might as well face the fact and the reality now. Sudbury is only the first of many problems we're going to have in the resource communities of northern Ontario in the next few years.

I would like to commend, to speak about corporate responsibility, the attitude that Steep Rock Iron Mines is taking in the community of Atikokan. There, the iron ore mine is phasing out; the available ore is gone. There are some 600 workers who are going to be affected when that operation closes down

and yet Steep Rock has been working to develop an ore body, an alternative ore body, at Bending Lake.

**Hon. F. S. Miller:** I've been working with them.

**Mr. Reid:** Just a minute. So those people can be employed, Steep Rock, one of the few Canadian-owned and managed companies in Canada in the mining field I believe, is showing that kind of corporate responsibility. I will say, and put on the record, that the Ontario government is, in fact, working with Steep Rock to, hopefully, make that Bending Lake property, a reality.

**Hon. F. S. Miller:** You're trying to justify two hospitals.

**Mr. Reid:** Yes, and I am sure that the minister who has such a personal stake in the community, the Minister of Natural Resources, will continue to work with Steep Rock and to provide the assistance that is necessary to keep those 600 people employed. But we have to have more than an ad hoc approach to resource communities in northern Ontario.

I have voluminous correspondence with the Treasurer in regard to these matters going back some years in his first emanation as minister and in his present emanation as minister. The only consistent policy the government has is we deal with these matters on an ad hoc basis. We cannot afford to keep doing this. We have to have some consistent policies in regard to secondary industry in northern Ontario.

[5:30]

Nobody expects that, all of a sudden, because of something the government does there are going to be small industries popping up in every community in northern Ontario. We must face the fact some of the smaller ones are going to have to be phased out. There is just no doubt about that. I think we would be unfair to raise the level of expectations to say that some of those communities are going to continue. But we must have a consistent policy to deal with these matters, and it must be done in conjunction with the federal government.

Because this matter deals specifically with mining communities, and with Sudbury in particular, I don't want to get into discussing forestation and the issue of reforestation, but surely—and I said this to the Premier when he made the announcement of the special committee—the guidelines of that committee should be broadened to deal with all the resource communities, particularly also those that are dependent on the forest resources. I hope in fact, that will happen.

Those are a few of my thoughts, Mr. Speaker. I am sure you have heard them before. Again, I sympathize with the position put forward by my friend from Sudbury but I must say that I don't think the ultimate result of his motion would really solve the problems that we see today in Sudbury.

**Mr. Speaker:** The hon. member for Renfrew North for four minutes.

**Mr. Conway:** Quite frankly, Mr. Speaker, I did not expect to be left such a generous allocation by my colleague from Rainy River. Therefore, I do want to restrict my remarks to generalities.

**Mr. Deans:** How could you speak other than in generalities?

**Mr. Roy:** They should be familiar with that on the other side.

**Mr. Conway:** It is with a great deal of personal interest that I can take part in this debate this afternoon. There is a tendency in certain parts of this caucus, I think, to want to support much that is behind this confidence motion because this party, and certainly those of us who represent what might be considered areas beyond the south-western Ontario region, have a keen appreciation for the very substantive matters that are raised by our good friend, the member for Sudbury.

As has been mentioned, I think very properly, this Inco situation reflects very keenly the frailty of much of the Ontario economic structure. To anyone who has had any observation about the growth and development of regional economies in this province, I think the one impression that must rest most directly over and above all others is that the east and the north particularly reflect in economic terms a clear and definite intention by the metropolitan south to develop those regions in purely colonial terms.

I would go further in saying that northern Ontario, certainly from the beginnings of this century, was developed in economic terms as a colony of the industrial south. The resource economy that has grown and developed, particularly under the aegis of the Ontario Progressive Conservative tradition, has done nothing but reinforce that colonial relationship.

In the few moments and seconds that I have left, I want to say, not only on behalf of the northern Ontarians but certainly on behalf of those people in eastern Ontario who can well appreciate the seriousness of the economic difficulties relating to the Inco layoffs—layoffs that were brought to this



Legislature without any prior consultation, despite the expression of a contrary position some months earlier about the need for communication on behalf of government and the private sector—that the colonization attitude of this government and of much of the multi-national sector is at the root of this problem.

The answer surely must not be a Christmas Eve election, which certainly the hon. gentlemen to my left do not want, but the maintenance of this minority government to bring this particular party and its administration of colonial economics to heel in this chamber. It is for that reason that I cannot, as much as on philosophical grounds I might like to, support the resolution; and I will not.

**Hon. Mr. Davis:** I will make every effort to confine myself to the six minutes, which for me will not be easy but I will certainly do my best.

**Mr. MacDonald:** You will not only make an effort but you will confine yourself.

**Hon. Mr. Davis:** Certainly I will confine myself, as long as I am not interrupted too often.

**Mr. Speaker:** Five minutes.

**Hon. Mr. Davis:** That has to be the fastest minute in the history of this House. At the outset, without in any way suggesting there is any partisan feelings in this motion—

**Mr. Deans:** There is.

**Hon. Mr. Davis:** —I would like to say to the member for Sudbury and the two other members of the New Democratic Party caucus that I understand and am sympathetic towards the very legitimate concerns they have expressed on behalf of their constituents. I can't really add a great deal to the lack of logic, the lack of intelligence and the lack of understanding—

**Mr. Laughren:** You can add a lot.

**Hon. Mr. Davis:** —that is contained in a motion that would in its resolution, as they see it, provoke an election at a time in the history of this province when it is something I genuinely believe we do not need and which would not solve any problems—

**Mr. Lewis:** That's not what you told us when you called one.

**Mr. Conway:** That was a painful lesson, wasn't it?

**Hon. Mr. Davis:** —and would not serve the interests of the people of Sudbury or the Sudbury basin.

**Mr. Conway:** A \$20-million lesson.

**Hon. Mr. Davis:** I don't say this in any critical sense but—

**Mr. MacDonald:** Of course not.

**Hon. Mr. Davis:** —as I listened to a lot of criticism, I didn't hear too many constructive ideas emanating from anybody across the House on this occasion. It's great to stand up and be emotional—and I would be emotional too, speaking for my constituents, I understand that—but if that party really wants to solve problems, it is not going to solve them by this particular no confidence motion. It is not going to solve the long-term problems of Inco by nationalization.

I have to go on record as saying that sort of proposal would, in my view, lead to greater difficulties in Sudbury, greater employment problems and probably to a lack of a competitive position on the part of Inco, and that is what provides the jobs for so many of their constituents. Their theory of nationalization, in today's climate just would not work. I am surprised they would even promote that, although I understand the three leadership candidates are all totally committed to it.

I too would like to welcome Mr. Broadbent. Mr. Broadbent is here, incidentally, not to listen to the debate. He is here to speak to the Premier of the province. I will be delighted to welcome him later on in my office when we will discuss in a logical way the unemployment problems that exist here in this province. I will certainly give him the benefit of my advice.

**Mr. MacDonald:** I hope you give him more than you have given us.

**Mr. S. Smith:** He has the benefit of my sympathy.

**Mr. Martel:** He is not going to learn much.

**Hon. Mr. Davis:** Listen, he has a point of view. I appreciate the fact that he recognizes the great leadership that has been given in economic terms in this province and wants to find out how it is we are making it work.

**Mr. MacDonald:** He just cancelled the appointment.

**Hon. Mr. Davis:** I am interested in the solution of problems—Mr. Speaker, I am being interrupted.

**Mr. Speaker:** You are indeed. Will the hon. members for York South and Scarborough West try to contain themselves.

**Mr. Lewis:** I haven't said a thing. This is a congenital affliction of yours.

**Mr. Speaker:** I am anticipating you.

**Hon. Mr. Davis:** Mr. Speaker, I want equal treatment. They should both "decease"; one did in a political sense and the other is in the process.

**Mr. Lewis:** Which one of us is that?

**Mr. Conway:** Just keep your eye on the Brutuses behind you.

**Hon. Mr. Davis:** I never worry about the people behind me.

**Mr. Speaker:** The Premier has one minute.

**Hon. Mr. Davis:** I can tell the member for Renfrew North it's the leader of his party who should keep an eye behind him, and to his left and to his right; he should be looking all over as a matter of fact.

**Mr. S. Smith:** I find cabinet material in each direction.

**Mr. Conway:** The member for Brock (Mr. Welch) is an eminently fine fellow.

**Hon. Mr. Davis:** I would urge in this one minute that is left that the members of the New Democratic Party understand one thing. We face a serious economic problem in the Sudbury basin, I don't minimize it; but your solutions don't make any sense, they won't work.

We're living in a world marketplace. This government understands it, and we're committed to the solution of these problems in the long-term basis. I'm very optimistic that we will achieve those solutions.

You can belittle the cabinet committee, you can belittle many of the things that they're doing, but let me remind the members of the House one thing—

**Mr. S. Smith:** Why is the member for Cochrane North (Mr. Brunelle) not on that committee?

**Hon. Mr. Davis:** —that this province, in economic terms, in the time that I have been a member of this House—

**Mr. Swart:** Is fine.

**Hon. Mr. Davis:** —has prospered, has grown more than any other jurisdiction in Canada, more than any other jurisdiction in North America; and that it's going to continue under this administration.

**Mr. Germa:** Industrial wasteland.

**Hon. Mr. Davis:** As I finish, I appeal on a very genuine basis to the leader of the New Democratic Party: Let's not partisanize this issue. Let's try to find solutions; let's not, as he did this morning—

**Mr. Speaker:** Time.

**Hon. Mr. Davis:** —tend to escalate the matters in his communication on the air. And please, in his eight minutes will he impress upon his colleagues that he has changed his mind and he too will show some sense and show confidence in the government of the province of Ontario at this very important time in our history.

**Mr. Lewis:** Mr. Speaker, it will distress the Premier to know that not only have I not changed my mind, but the absence of anything concrete in his finale to the government position reaffirms in my mind and our mind yet again that this kind of motion is absolutely indispensable at this point in time in Ontario.

**Hon. Mr. Davis:** Stephen, you know and I know you are playing politics; everybody knows you are playing politics.

**Mr. Lewis:** I want to say to the Premier that I didn't want, we did not want, to have to move this kind of motion. We wanted to wait and we did, to see whether any initiatives would come from the government which were a feeling and real response to the predicament of the Sudbury basin.

After two weeks of discussion, consultation and negotiation, and every other invention available to you, you came up with a building which had been promised before and a ministerial committee on which sits a minister in this House whose negligence over the last several years is largely responsible for the problem that is debated today.

**Hon. Mr. Davis:** Stephen, I can always tell when you believe what you are saying and when you don't.

**Mr. Lewis:** As a matter of fact, if I may say as amiably and affectionately as I can—I know winning plaudits even of the Liberal Party in this case—put Rene Brunelle on, take Leo Bernier off.

**Hon. Mr. Bernier:** You are still smarting over Minaki.

**Mr. Lewis:** Mr. Speaker, if I may say to you, sir, the record of the government in dealing with the resource communities has been pretty abysmal over the years. The Premier may have forgotten that I go back 14 years in this House. The Premier goes back even further than that, but he may have forgotten the record in northeastern Ontario.

Perhaps he remembers 1958—the northeastern Ontario region economic survey; perhaps he remembers 1966—the update of the northeastern Ontario economic survey; perhaps he remembers the report in July, 1968, on the public sector and northeastern Ontario.

**Hon. Mr. Davis:** You did this with education. They were all American publications when you did it the last time.

**Mr. Lewis:** Perhaps the Premier remembers February, 1969—the five-year development program final report for northeastern Ontario; perhaps he remembers September, 1969—the northeastern Ontario regional de-



velopment program; perhaps he remembers 1971—Design for Development, Northeastern Ontario, where in the very first few pages there occurred the following paragraph:

"The region as a whole has a narrow and relatively slow-growing economic base. This is the case in most of the larger centres, and is particularly so in the many smaller communities. If under these conditions the dominant industry declines, substantial hardship follows, because few, if any, alternative forms of employment are available."

The litany for 20 years; and when Inco lays off 3,000 people, the Premier has utterly no response whatsoever, he is politically bankrupt again. How does he answer; how does he answer?

**Hon. Mr. Bernier:** How ridiculous can you get.

[5:45]

**Mr. Lewis:** May I point out, Mr. Speaker, despite all the evidence, despite all the work, despite all the recommendations which have come forth since 1958 in one report after another, nothing happened. Despite other considerations and factors as well; despite the fact Inco has taken \$1.7 billion in profits out of the Sudbury basin over the last several years; despite the fact Inco is using Ontario money to buy the battery plant in the United States for nearly a quarter of a billion dollars, a plant which is now self-sufficient in Inco's diversification in its manufacturing sector while our mining sector goes down the drain; despite the fact Inco took our money—

**Hon. Mr. Davis:** It is not going down the drain.

**Mr. Lewis:** —from Ontario and went to Guatemala and Indonesia—

Interjections.

**Mr. Mackenzie:** It hurts, doesn't it fellows, it hurts.

**Mr. Speaker:** Order, order. I cannot hear the member for Scarborough West.

**Hon. Mr. Bernier:** Good.

**Mr. Speaker:** No, I am entitled to hear him.

**Mr. Lewis:** Despite the fact they took our money from Ontario in profits, went to Guatemala and Indonesia and entered into consortia with the governments of those countries, participating in large measure in the exploitation of that resource—an anathema here, a requirement there; despite the fact that even now Inco is engaged in large amounts of capital expenditure under your venture investment program, receiving, let me remind you, and not often referenced in this

House, by virtue of a bill introduced into this Legislature on November 1, a 250 per cent writeoff against current income for every penny they put up by way of venture capital, so that if they give \$2 million they write off \$5 million from current income. All of this being done and not a penny of it designated for the Sudbury basin. And you talk of questions of public ownership.

**Hon. Mr. Davis:** They have spent hundreds of millions since 1970.

**Mr. Lewis:** Let me ask you, Mr. Speaker, and through you the Premier, what is wrong with owning the ores of Ontario?

Inco owns the ores. Would you allow Abitibi or Reed or Domtar to own the trees? Do we not own the trees as Crown land and lease the resource for development? Why do we not work out a lease with Inco rather than letting them run roughshod over the economy of Ontario? No answer to that.

**Mr. S. Smith:** Pseudo nationalism.

**Mr. Lewis:** That is what we are talking about; the ownership of the ores of the province and the renegotiation of the terms. And why not? What is inconsistent in that, Mr. Speaker?

**Hon. Mr. Davis:** Because it would not solve the problem and you know it.

**Mr. Lewis:** Sure it would solve the problem, which brings me to the finale I wanted to put to you.

We don't understand, in this caucus, why you have been unable to come to grips with some very particular employment programs. We don't know why you have not intervened to facilitate the suggestions made by the union which would have kept several hundred people on the job. We don't know why you haven't said to Inco, "men must continue to be employed to replace the electric problems underground in the mines and to deal with the ventilation and safety problems in the mines." We don't know why you don't insist on using some of those who might otherwise be laid off in a program to rehabilitate the environment of the Sudbury basin which Inco and Falconbridge together had desecrated. We don't see why you cannot—

**Mr. Speaker:** The time has expired.

**Mr. Lewis:** —say to that company, "you will lay off no one unless and until there are alternatives." And that is why we have moved and stand by this motion of no confidence this afternoon.

The House divided on Mr. Germa's motion, which was negatived on the following vote:

AYES	NAYS
Bounsall	Ashe
Breaugh	Auld
Bryden	Baetz
Cassidy	Bennett
Charlton	Bernier
Cooke	Birch
Davidson	Bolan
Davison	Bradley
Deans	Breithaupt
di Santo	Brunelle
Dukszta	Campbell
Foulds	Conway
Germa	Cureatz
Gigantes	Davis
Grande	Drea
Laughren	Eaton
Lawlor	Edighoffer
Lewis	Elgie
Lupusella	Gaunt
MacDonald	Gregory
Mackenzie	Grossman
Makarchuk	Haggerty
Martel	Hall
McClellan	Handleman
Philip	Havrot
Samis	Henderson
Swart	Hennessy
Warner	Hodgson
Wildman	Johnson
Young	Jones
Ziemba	Kennedy
	Kerrio
	Lane
	Leluk
	MacBeth
	Maeck
	McCaffrey
	McCague
	McGuigan
	McKeough
	McKessock
	McMurtry
	McNeil
	Miller, F. S.
	Newman, W.
	Newman, B.
	Norton
	O'Neil
	Parrott
	Pope

## NAYS

Reed  
Reid  
Rhodes  
Riddell  
Rotenberg  
Rowe  
Roy  
Ruston  
Smith, S.  
Smith, G. E.  
Snow  
Stephenson  
Sterling  
Stong  
Sweeney  
Taylor, J. A.  
Taylor, G.  
Timbrell  
Turner  
Walker  
Welch  
Wells  
Williams

Ayes 31; nays 73.

Mr. Speaker: I declare the motion lost.

## BUSINESS OF THE HOUSE

**Hon. Mr. Welch:** Mr. Speaker, before moving the adjournment of the House, may I make three quick announcements? Tomorrow morning we meet at 10 o'clock, of course, and we'll do the private members' business when we get to orders of the day. There seemed to be some misunderstanding and I'd like to clear that up now. The standing committee on resources development will meet tomorrow morning after routine proceedings to take into consideration the estimates of the Ministry of Agriculture and Food. The House leaders and whips will meet tomorrow morning at 8:30.

**Mr. Lewis:** May I ask a question of the government House leader? Does the government intend to block the private member's bill from the member for Essex South (Mr. Mancini) tomorrow?

**Hon. Mr. Welch:** Tune in at 1:45 tomorrow afternoon.

On motion by Hon. Mr. Welch, the House adjourned at 6:02 p.m.



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Stephenson, Hon. B.; Minister of Labour (York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)



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Stong, A. (York Centre L)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Taylor, G. (Simcoe Centre PC)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Turner, J. (Peterborough PC)  
Warner, D. (Scarborough-Ellesmere NDP)  
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier  
(Brock PC)  
Wildman, B. (Algoma NDP)  
Ziemba, E. (High Park-Swansea NDP)







# Legislature of Ontario Debates

## Official Report (Hansard) Daily Edition



**First Session, 31st Parliament**

Thursday, November 10, 1977

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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# LEGISLATURE OF ONTARIO

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THURSDAY, NOVEMBER 10, 1977

The House met at 10 a.m.

Prayers.

## STATEMENT BY THE MINISTRY

### DON JAIL

**Hon. Mr. Drea:** I will close the old Don Jail on December 31, 1977, forever. I have asked my colleague, the Minister of Government Services (Mr. McCague), to have tenders prepared for demolition contracts.

I see no value in preserving the old Don Jail. To do so would require the taxpayers to pay many hundreds of thousands of dollars to meet acceptable public fire safety standards. Heat and maintenance alone cost nearly \$500,000 a year. Without additional expenditures, there would be a persistent pest control problem.

It is repugnant to me that preservation would mean that the curious would line up to see four steel-enclosed death cells, a gallows where 70 persons have been executed and jail corridors and cells which for more than a century have witnessed the worst in the human condition. Upon completion of the demolition work, inmates will develop and maintain a massive flower garden for the benefit of patients of Riverdale Hospital. I regard this as a far better land use.

During its controversial existence, which began in 1865, over one million persons have passed through the Don Jail. The physical limitations of this old jail imposed upon its inmates conditions which are unacceptable.

In addition to the hardships imposed upon the inmates, the outdated facilities have placed stressful demands on the staff. They deserve praise for their dedicated service under trying conditions for so many years. There will be no loss of jobs as a result of this closure. Staff working in the old jail will be transferred to other facilities.

The inmates presently incarcerated in the old jail will be accommodated in the modern detention centres which my ministry opened this year in Etobicoke and Scarborough and in the jail building adjacent to the old jail at its Gerrard Street and Broadview Avenue location. Some alterations to the admission area and to the medical area in the newer

jail building will be carried out. Inmate labour will be utilized wherever possible for the work related to these alterations.

In addition to thanking the staff who have worked in the outdated facilities of the Don Jail over the years, I would like to pay tribute to my predecessors in this portfolio who laid the groundwork that has made possible this historic announcement. The impetus for the replacement of outdated local jails was provided in the 1960s by the then minister, Hon. Allan Grossman. Under his leadership the ministry assumed full responsibility in 1968 for the operation of all county and city jails, one of which was the old Don Jail. An immediate program of renovation and replacement was begun, which has already seen the closure of 13 outdated jails and the opening of six modern detention centres. The old Don Jail and Hamilton's old Barton Street Jail will cease to exist in the new year, with the Hamilton facility being replaced by a modern detention centre.

Each succeeding minister after Mr. Grossman—Hon. Syl Apps, Hon. Richard Potter, Hon. John Smith, Hon. Arthur Meen, and more recently the Solicitor General (Mr. MacBeth) as acting minister—made individual contributions to the program designed to provide the province with jail facilities that meet the standards of accommodation and security expected by the Ontario public.

I am sure all hon. members will share my satisfaction that the beginning of 1978 will see the disappearance of this notorious 112-year old institution.

I would draw the attention of the House to the fact that my director of operations, the man who has wanted the Don Jail closed for many years, Mr. Harry Hughes, is in the gallery, as is Mr. Gerry Whitehead, the last governor of the Don Jail when it was run by the city of Toronto, and Mrs. Whitehead who did yeoman service there on behalf of female offenders.

## ORAL QUESTIONS

### WILD RICE HARVESTING

**Mr. S. Smith:** My first question is of the Minister of Natural Resources; it is with regard to the subject of wild rice harvesting in northwestern Ontario.

Does the minister not agree with me, and has he not indicated in the past, that as a substitute for the devastated economy, previously related to fish now poisoned by mercury, that in order to become self-reliant Indian people in that area could be encouraged, aided financially and given whatever assistance and advice necessary to become successful business people in the realm of the wild rice harvest? Aside from some small bush logging operations, does he not see this as the one possibility for self-reliance by those Indian bands at Grassy Narrows and White-dog; and what is he doing about it?

**Hon. F. S. Miller:** It is not the only one, but it is an important one. One has to realize the wild rice harvest only lasts for a few weeks in the late summer each year.

There are a number of problems. I have had some private chats with the Treaty No. 3 chief on the matter. I went so far as to ask his advice on some proposed changes in wild rice policy. This is something that is not normally done, but I gave him confidential documents on the basis of what staff were thinking, not what policy is but what staff were thinking, simply to have his input before I reached a decision.

Our estimation is that in the northwest there are potentially about 20 million pounds of wild rice for harvest. It varies a great deal from year to year. I am told this was to have been a very good harvest year. I am also told the price this year soared to all-time highs because of competitive bidding from the United States markets. The price got up to \$1.40 or \$1.50 a pound green, and that is a very high price. There are some problems, however. One is that the Indians have looked upon this as their resource and theirs only.

One has to be careful in saying that any resource is exclusively the right of a given group of people. I said to the Indians I would like them to be the people harvesting the wild rice in northern Ontario and I intend to give them the first option of harvesting the wild rice in Ontario, but I really don't want to see 95 per cent of it fall into the water each year because it isn't harvested. I said to them if they are not really able to use modern techniques to harvest the wild rice, because there are modern techniques which they do not wish to use yet, or are not willing to go into those areas and harvest them by traditional methods, surely it is better not to waste a resource and simply let it drift into the water.

**Mr. S. Smith:** By way of supplementary, since we must agree with the minister one doesn't want to see an important resource

wasted, does he not agree with me that the ministry should be working hard to arrange for better flood control and better dams to be built on certain small tributaries so that we could have a more stable, year-to-year predictable wild rice yield? Rather than simply ask Chief Kelly whether he intends to harvest a certain amount, shouldn't the ministry be working hard to assist the Indian people with the mechanization that is required to assist them to set up the corporate structure that might be required? Shouldn't we be taking advantage of this opportunity and not just pointing a finger at them and saying they are wasting it so we are going to give it to some other people? Should we not be helping them to become self-reliant, good businessmen in this regard?

**Hon. F. S. Miller:** Certainly. As a matter of fact, I have seen some of the devices we have helped finance up there for this very kind of mechanical harvesting. Sadly enough, I have seen them in pretty poor shape because they have not been maintained. We were leasing back one of the machines this year in an attempt to use it as a demonstration piece of equipment so that it could be used to demonstrate the rapid rate of harvesting—I think it was in Fort Frances I saw it.

I want to point out something. I am sure Chief Kelly and others are faced with a conundrum almost. They know that the best and probably the only way they can increase their overall yield of the harvest significantly, apart from getting more of the people to go out in canoes and beat it into the boats as they now do, is to go to mechanized equipment. At the same time, knowing that, they are aware that their own people are resisting this change because they see the mechanical harvester as an intrusion on their culture and tradition.

That is a problem the member and I are not really able to solve. I think we have to encourage rather than legislate. I, for one, am going to encourage the Indians to work with us in an attempt to increase their revenue from the wild rice harvest. I am reasonably satisfied it can be done only by the use there of such modern techniques as we have in all other forms of agriculture.

As far as the dams and tributaries go, they may play an important role, but currently we need to learn to harvest the rice that is growing without the assistance of man at all.

[10:15]

**Mr. Foulds:** Supplementary: Does the minister not think it might be a good idea not to grant any more licences for the harvesting of wild rice until the Hartt commission has



made its determination on development in the north?

**Hon. F. S. Miller:** I don't know that that's right. I've said to the Indians that we have an old agreement in the northwest that basically reserves wild rice for, Treaty No. 3 I believe it is in that general area. There are some existing white licences in the area and they're pursued reasonably actively. But really, should one waste a resource totally if, in fact, we can get some agreement as to where the Indians are willing to harvest the rice? I suggested to them in this meeting, "Tell me those areas you can't harvest, knowing you can't harvest them all, and I'll be glad to consider only those." Currently we haven't made any progress on that because their position has been that there shall be no white licences at all.

**Mr. Foulds:** A further supplementary: Does the minister not think that it is worth concentrating, first of all, on the labour-intensive aspects of that industry? Is he not aware that the population of the correctional institutions in the northwest drops dramatically among the native population when the wild rice harvest season is on, and is that not an important factor rather than merely the market value that he seems to have his mind cast on?

Secondly, does he not think that the higher the price that can be obtained by the labourers picking the rice, the better it is, socially, economically and culturally, for the people in that area?

**Hon. F. S. Miller:** Certainly I'm delighted to see the price of wild rice go up, because of course this provides more revenue for the people on the reserves. And I'm told by the Indian people that the harvesting of wild rice, while it's work has been one of those traditional seasonal joys they have; they thoroughly enjoy going out and doing it.

I only say that we need to encourage them to do it, whichever way they wish. That still will leave, if they do it by the old methods, a great deal of unharvested rice. If they go to the new methods, it will not leave so much, if any, unharvested rice. I think that choice basically is going to be theirs as to which route they follow. I think I have the responsibility, if there is a wasted resource, of seeing that it is utilized.

#### STREETCAR CONTRACT

**Mr. S. Smith:** Mr. Speaker, a question for the Minister of Transportation and Communications in reference to the contract between Hawker Siddeley and the Urban Transportation Development Corporation for

TTC streetcar bodies: Can he confirm that the contract has just been signed and can he tell us whether there is an escalation clause of any description in that contract? Furthermore, can he tell us whether the competitive bidder, Bombardier of Quebec, would also have insisted on an escalation clause?

**Hon. Mr. Snow:** Yes, Mr. Speaker, I can confirm that the contract with Hawker Siddeley has been signed recently. I believe I can also confirm that there is an escalation clause, but I cannot give the hon. leader specific details; I can get him whatever information he requires. Actually, I believe there was an escalation formula proposed in the call for tenders for these cars. It is a normal process in this type of a contract to include an escalation cost factor in the contract over the period of years that the manufacturing takes place, tied into some specific Statistics Canada or other cost-of-production increases.

**Mr. S. Smith:** By way of supplementary, could the minister tell the House whether the escalation formula that was in the call for bids, or at least that he thinks was in the call for bids, is the same escalation formula that has now been accepted as part of the contract? If he doesn't know that, I would appreciate if he would obtain the information for us.

Can he furthermore tell the House whether the TTC has a guarantee of a fixed price and whether it has been insulated against possible escalation in price or not? Does the minister's letter to the TTC guarantee, in fact, that it will receive a fixed price or is it subject to escalation in what it has to pay for these car bodies?

**Hon. Mr. Snow:** Mr. Speaker, I'll get all that detailed information. Of course, as I recall it, 75 of the 200 streetcars are being paid for 100 per cent by the province of Ontario. The other 125 are being paid for on the normal capital subsidy arrangement of 75 per cent provincial and 25 per cent TTC. I believe there is also an escalation clause in the contract between TTC and UTDC for the purchase of the cars, so I would expect there could be some escalation clause built in for the 25 per cent TTC portion of the 125 cars. I'll get the detailed information for the member.

#### ANACONDA LAYOFF

**Mr. Lewis:** Mr. Speaker, a question for the Minister of Industry and Tourism: Can the minister give us a report on the state



of negotiations over the purchase of Anaconda?

**Hon. Mr. Bennett:** Mr. Speaker, about a week or 10 days ago, the question was asked in the House and I said we would look into it and we have. We have had representatives meeting with the principals in New York city along with representatives of the union that represents the workers at Anaconda. I can't go into all the details, because there are some negotiations still taking place between the union and the Canadian management arm of Anaconda and they prefer that we not get into any public debate on it at this time. I have said that would be agreeable to us, at least as far as the government is concerned.

At the moment it appears that the union and management have come to an understanding as to an extension on the contract which will afford us some other opportunities to look into the possibility of an extended life period for that particular firm.

**Mr. Lewis:** Supplementary: Is it not true that the extension of the life of the firm is only meant to last as long as a pursuit is made for possible potential buyers? What I'm really asking the minister is whether there is any reason now for optimism about a potential buyer for that plant in order to preserve the 800-plus jobs?

**Hon. Mr. Bennett:** Mr. Speaker, the assessment or analysis made by the leader of the NDP is correct. I have not been privy to all the discussions, nor do I believe I should be, but I believe there has been a common understanding that there will be an extension to the contract at least until some time in late spring which will afford the Canadian management, the American management, the federal government and the provincial government of Ontario, an opportunity to continue to seek out a potential purchaser of the assets of that corporation.

At this very moment, I understand, there are at least two, if not three firms or consortia looking at the possibility of the purchase of those assets.

There is a very great concern, Mr. Speaker, by the federal agency, particularly the mint of Canada—

**Mr. Lewis:** The mint?

**Hon. Mr. Bennett:** The mint, yes; because it is a large purchaser of copper from that particular concern. The company has been a major supplier to the Canadian mint and in respect of some contracts that the Canadian government has negotiated with foreign countries through the mint, there will have to be a greater supply of copper available to the

mint for the production of coinage for other countries if we are successful in winning those contracts.

So the mint is principally concerned that this company stay in existence, both for competitive pricing and supply of material on a potential contract.

**Mr. Lawlor:** Mr. Speaker, does that ban on export sales to the United States still stand with respect to any potential purchaser?

**Hon. Mr. Bennett:** Mr. Speaker, at this very moment there is no ban on that company exporting into the United States. About five per cent or slightly better of their sales in 1976 were exported to the United States market. No condition has been set down by the company to the best of our knowledge.

The reason the Deputy Minister of Industry and Tourism of Ontario and the Deputy Minister of Labour for the province of Ontario, in company of the trade commissioner in New York City and the representative of the federal Department of Industry, Trade and Commerce went to meet with the executive of this company, was to make sure that this type of a condition was not encompassed within the terms of reference relating to the sale of the company to a Canadian or other foreign operator.

To the best of my knowledge, it's very clear the condition is not there. I understand the company has also investigated the fact that if it was here it would have little or no legal possibility of being sustained by them against a new purchaser.

**Mr. Lewis:** May I ask a very brief supplementary, because I haven't realized it? What proportion of the purchase of company products does the mint reflect? Is it the major purchaser from Anaconda?

**Hon. Mr. Bennett:** To the best of my knowledge, in my discussions with people that represent the mint and its purchasing department, I understand it could be as high as 20 per cent of the volume coming out of Anaconda. I know there has been a long-standing relationship between the mint and Anaconda. I also know there is a fairly substantial portion of government ownership of material on hand at Anaconda at the moment.

**Mr. Lewis:** Mr. Speaker, the other ministers I wish to question are not here. I'll hope to enter the rotation later.

#### KOMOKA PROVINCIAL PARK

**Hon. F. S. Miller:** On November 8 the hon. member for London North (Mr. Van Horne) asked me if I would give the House a complete accounting of the moneys that have been spent on the proposed Komoka



Park. I will give the hon. member a copy of this so that he won't have to copy it all down.

The 67.4-acre Smith property was acquired in July 1974 at a cost of \$186,000. The 28.8-acre George property was acquired in July 1974 at a cost of \$97,000. The 1.6-acre Vanderydt property was acquired in June 1975 at a cost of \$55,420. The 49-acre Restoration Realty property was acquired in February 1975 at a cost of \$552,500. The 65-acre Saint property was acquired in September 1977 at a cost of \$261,200. The 50-acre Otago Investments property was acquired in September 1977 at a cost of \$200,000. The two-acre Crone property was acquired in August 1975 at a cost of \$26,250. The 36-acre Cooper-Zabransky property was acquired in December 1975 at a cost of \$183,750.

The total acreage acquired to date is 299.8 acres at a total acquisition cost of \$1,562,120. In the case of the Saint property, the Otago Investments property and the Cooper-Zabransky property, the value may increase as the final compensation will be determined by the Land Compensation Board.

**Mr. Van Horne:** I would like to thank the minister for acting on this. I would, however, like to pursue it, at least in part today, and ask a further question. Through the last four years that it has been reported in the press, going back to 1974 in the London Free Press, this has been described as a proposed park site. I would like to ask the minister if it is still a proposed park site? Further to that, if it is in any way, shape or form firming up, could he give us the definition of the boundary of that park site?

**Hon. F. S. Miller:** I have with me a map of the entire property as originally suggested for park reserve. I think the term park reserve would be the land-use designation we place upon this land until such time as it is formally, by regulation, created as a park. A park reserve, normally, has certain restrictions placed upon the use of the land and is usually done by a deputy minister's order.

If we follow all three phases, we still have to acquire about 132 acres in phase 1 on the southeast shore, about 105 acres in phase 2 in the southwest section and 620 acres on the north shore to complete the original proposal.

[10:30]

I am told that the north shore has significant aggregate reserves on it and that it was not the intention to convert it to park land until those reserves were used.

Members may have heard that I asked for a complete review of the need for this park some while back because the dollars available for park land acquisition are considerably

less than they were at the time this park was announced. I have asked my staff to do that and have received a report. That report was done by the London office, and obviously therefore I was interested in London parks. I have now asked for a comparison of the need for this park versus parks in other parts of Ontario. I should have that early next week. I have been told I will have it for Monday or Tuesday. At that time I am going to relate the costs of acquiring the balance of the land to other needs in the province and decide whether or not this should go forward. I believe the people whose lands in effect have been sterilized have a right to expect them to be purchased.

**Mr. Van Horne:** Mr. Speaker, I have a further question—

**Mr. Speaker:** I would like to remind the hon. member for London North that the original question asked for a fair amount of detail which was read into the record. If the hon. member wants any additional information, I think maybe it should be placed on the order paper. It was quite a comprehensive question and a comprehensive reply.

#### KENNEDY LODGE NURSING HOME

**Mr. Lewis:** Perhaps I could put this question to the Provincial Secretary for Social Development. In view of what has emerged about the nursing home on Kennedy Road, and in view of what is emerging about nursing homes intermittently in the province, has it been suggested by the Social Development secretariat that an analysis be undertaken in areas of finances, care and staffing of nursing homes and homes for the aged generally, since there are such frequent anxieties expressed?

**Hon. Mrs. Birch:** As I am sure the hon. member is well aware, it has been done on an individual basis where this kind of thing has been brought to our attention. Certainly we are very concerned with the story in this morning's paper and I will be discussing it with the minister.

**Mr. Warner:** Thank you, Mr. Speaker. Is the minister aware that the Minister of Health (Mr. Timbrell) in the month of July answered my question by saying there had been a full investigation into Kennedy Lodge and that all major faults had been corrected? Further, that the Provincial Secretary for Social Development's efforts may be deterred at that home because the owner says, and I am quoting from the paper: "This is a private enterprise, not open to public scrutiny, and therefore I don't have to answer any of your questions." What will the minister do now?



**Hon. Mrs. Birch:** Mr. Speaker, I am sure the hon. member is aware that she was speaking to a reporter. She certainly does have to answer to the Ministry of Health and their officials. There are rules and regulations that must be met and we must have that information.

#### UNIVERSITY ENROLMENTS

**Mr. Sweeney:** A question of the Minister of Colleges and Universities, Mr. Speaker: Since the minister's letter to the *Globe and Mail* of a few months back saying that the higher tuition fee for foreign students would not restrict those students from coming into Ontario, how does he explain the following: At the University of Waterloo the enrolment of foreign students is down 32 per cent, at Laurier 40 per cent and at Western 20 per cent?

**Hon. Mr. Parrott:** I suspect it has a pretty strong relationship to the fact that the registration at McMaster University is down the same percentage. The hon. member well knows the fee doesn't apply there, so he shouldn't try to relate the two of them.

**Mr. Sweeney:** How would the minister explain, then, the fact that the overall applications of all foreign students are down 21 per cent?

**Hon. Mr. Parrott:** First of all, there are a lot of factors on university enrolments not related to fees. The enrolment of our own students is down. We are not yet in possession of all of the information.

I think the member is basing his remarks on the number of applications, not the number of enrolments. If he has the actual number of enrolments of all the universities, he has information that I don't have. One cannot make a decision based on applications; it is on head counts that will be formally submitted a little later on.

**Mr. Sweeney:** I would ask the minister to respond to my first question on actual enrolment figures, not applications.

**Hon. W. Newman:** He just said he doesn't have them yet.

**Hon. Mr. Parrott:** I believe the report on which the member based his remarks was on the number of applications. I can't be sure of that. I don't at this moment have the actual numbers; those numbers aren't in our ministry yet.

**Mr. Sweeney:** They are the actual figures.

**Mr. Bounsall:** Supplementary: With the drop in foreign student enrolments and applications, as evidenced by the program, does the minister not realize that with his in-

roduction of the eight eligibility periods for grants we will be getting a similar 18 to 20 per cent drop in graduate students likely in our universities next year?

**Hon. Mr. Parrott:** I think that is a long way from proven, Mr. Speaker. I think it is important that we relate many of the factors. One of the factors that I think should occur, particularly in graduate schools, is that we must place a great deal of importance on academic excellence. I believe, given the increase in graduate scholarships and the importance of academic excellence to a graduate program, there will be no serious decrease in enrolments in graduate studies.

**Mr. Sweeney:** That is what he said about the foreign students.

**Mr. S. Smith:** You will have higher standards of financial excellence in graduate schools.

**Hon. Mr. Parrott:** That is so much nonsense and you know it.

(Applause.)

**Mr. Speaker:** Order. I must remind our visitors in the gallery that no outbursts are allowed. I would ask them to refrain from doing so.

#### SALES TAX EXEMPTION

**Mr. Roy:** I have a question of the Minister of Revenue, pertaining to information and a question I supplied to her yesterday regarding such activities as the ice follies put on by the Minto Skating Club, the only amateur show of its kind in North America. Can she advise whether it is, in fact, the policy of her ministry, as stated in a letter of November 1 from one of her officials, that all performers have to be either residents of Canada or amateurs so that they can qualify for an exemption on the sales tax?

**Hon. Mrs. Scrivener:** Yes, that is correct, Mr. Speaker.

**Mr. Roy:** Would the minister then explain why in the past these criteria seem to have been excepted for the Minto Skating Club, which was allowed to put on performances when not all were amateurs or residents of Canada? Does she not understand that by this policy she may well deny the holding of this exhibition and, therefore, deny funds to young Canadian amateurs to participate in competition?

**Hon. Mrs. Scrivener:** Mr. Speaker, yesterday the member sent me a letter indicating all his concerns. I reviewed it here at my desk; I sent him a handwritten note indicating that I understood it, that I was reviewing



it, and I suggested to him that he should not be overly concerned; that the subject is now before me in the ministry and he will receive a reply from me in due course.

**Mr. Roy:** I will admit, Mr. Speaker, that she did write me a very encouraging note. "Please don't worry," she said.

**Mr. S. Smith:** She is getting into my business now.

**Mr. Conway:** Was it "Dear Albert"?

**Mr. Roy:** Yes, it was. May I ask this supplementary of the minister?

**Mr. Speaker:** Please do.

**Mr. Roy:** I just thought you'd like to hear these little tidbits.

Can I convey the minister's encouragement, her *mot doux* and her note to the Minto Skating Club members and say to them that they need not worry, that she will allow them to hold their ice follies this year?

**Hon. Mrs. Scrivener:** I think the member is trying to provoke me to give him a commitment right now. The fact is that I'm exceedingly sympathetic. I understand full well what the problem is. He will have my response very soon.

### COAL SUPPLIES

**Mr. Samis:** I have a question of the Minister of Energy. I put it with some trepidation, knowing the possible length of the answer.

**Mr. Reid:** You mean response, not answer.

**Hon. W. Newman:** What is the question?

**Mr. Samis:** In view of the impending serious coal miners' strike scheduled in the United States for December 6, can the minister tell us what his ministry has been doing to ensure there will be no shortage of coal this winter for Ontario Hydro?

**Hon. W. Newman:** They stockpiled it long ago.

**Hon. J. A. Taylor:** I'd be happy to take the member out to our stockpile if he would like.

**Mr. Samis:** Supplementary: Without asking for a lengthy dissertation inside or outside, could I ask the minister what is being done?

**Hon. J. A. Taylor:** I hope the member would be intelligent enough to perceive that Hydro does have stockpiles that would carry us through basically for the best part of a year.

### VEGETABLE GROWERS' CO-OP

**Mr. Riddell:** A question of the Minister of Agriculture and Food, Mr. Speaker: I wonder if the minister could comment in very simple

and general terms on the results of the meeting he had with the Eastern Ontario Vegetable Growers Co-op yesterday; and tell us if, as a result of his meeting with them, it would appear that a solution can be found to the problem, which would not necessitate a great deal of amendments or changes in the legislation? If he does not feel it's in the interest of the agricultural community to answer the question now, I can appreciate that too.

**Hon. W. Newman:** We did have a meeting yesterday. We set up a task force to look into the problems. We had representatives from the Eastern Ontario Vegetable Growers' Co-op, the Vegetable Marketing Board and the processors at the meeting. We had a very meaningful meeting, I must say a very lively meeting. As a result of that we set up a task force. If there's any legislation coming forward I will be announcing it at the appropriate time.

**Mr. Mancini:** Supplementary: Is it true that the co-op was built with government money and is now owned more than 50 per cent by a private individual?

**Hon. W. Newman:** I know there is ARDA money involved. There is federal and provincial money in the project which I might say is operating very efficiently. I can't say any individual owns 50 per cent of it at this point in time. I do not believe that is correct, but I'll have to check it out and let the member know.

### HERITAGE LANGUAGE PROGRAM

**Mr. Grande:** My question is of the Minister of Education. This question is regarding the heritage language program and the funds available to the boards of education to implement the third-language programs.

Is it clear to the minister now, because it wasn't clear to him during his last estimates, that the boards across Metro and many of the boards across this province are just not setting up these third-language programs? What is the minister doing to meet the legitimate concerns of the boards? What are the reasons the boards are not implementing these programs? What is he doing so that he can assure the hundreds of parents across Metro and across the province, who assumed that the programs would be set up as a result of the government's tremendous election announcement, so that they may feel that when they do go to the school and speak to the principal—

**Mr. Speaker:** The question has been asked in three parts.

**Hon. B. Stephenson:** How about a statement?

**Mr. Grande:** —that the parents will feel that the principals will say, "Yes, we are implementing these programs"?

[10:45]

**Hon. Mr. Wells:** First let's get it very clearly understood by all: this wasn't an election promise.

**Mr. Roy:** Oh no. You don't make those.

**Hon. Mr. Wells:** My friend keeps using those words, but he knows—he sat in this Legislature and heard me say many times that we would have a statement on the whole multicultural policy regarding education. This was part of that statement. It was announced in the Speech from the Throne at the beginning of this year, well before the election was called. So let's put an end to that nonsense about calling it an election promise.

**Mr. Grande:** You said that in 1975.

**Mr. McClellan:** It was an election promise.

**Mr. Roy:** No, you guys don't play politics with things like that.

**Hon. Mr. Wells:** Having said that, let's also get rid of all this nonsense about the program not being accepted. Many of our educational programs rest with the local boards to use their initiative, working with the parents, to establish the programs; if many of them were as well accepted as this one, I would be very happy.

As my friend knows, there are about 15,000 youngsters in the Metro Toronto area, about 15,000 in the separate school system and probably another 8,000 in this province who will be taking part in programs financed under our heritage language program this year.

**Mr. McClellan:** Most of them were there before your program was introduced.

**Hon. Mr. Wells:** I would say that it comes almost dead on with what we predicted would be the first-year figures of people taking the program. I am not dissatisfied at all. We are working through our regional offices to encourage boards to adopt the program if parents indicate there is a need in their community. But I have to say to my friend that his message of gloom and doom about the program is completely unwarranted.

**Mr. Grande:** Supplementary: Could the minister possibly tell me why the boards of education for Scarborough, North York, Peel, and the Welland County Separate School Board, York and Toronto have said to the ministry, "Put your money where your mouth is; otherwise these programs will not be set

up"? I asked for the reasons why these programs have not been set up in these boards, and the minister is evading that question totally.

**Hon. Mr. Wells:** Is my friend saying in that list—and I can't tell him about all that list—that the board of education for the city of Toronto is not setting up the program?

**Mr. Wildman:** He didn't say Toronto.

**Hon. Mr. Wells:** He did say Toronto. And I tell him he is absolutely wrong. The board of education for the city of Toronto and, I believe, the board of education for York as well as the Metro Toronto Separate School Board and many other boards in this province, are taking advantage of that program.

I will be happy to find out why the board in Scarborough isn't taking advantage of the program. But, as he knows, the initiative lies with the parents and the local board to move ahead with the program. Of course, if he is saying he is completely against any type of local autonomy or local involvement in education, that everything should be directed from this place and from the Mowat Block, then let him say that. But that isn't the policy we adopt over here.

**Mr. di Santo:** Supplementary, Mr. Speaker: Is the minister aware that the board of education of North York, which is the largest board in the province, has deferred the program because the program is not self-supporting and has suggested that either the ministry pays for the program or the parents be charged? Is he aware that in 27 schools in the borough of North York, the parents themselves had to set up programs financed by themselves; and what is he going to do about this?

**Hon. Mr. Rhodes:** What's wrong with that?

**Hon. Mr. Wells:** Under the system we have in this province—and it is fair game to state one's political position as to how one thinks the system should work—all the services in education are shared between the provincial level and the local level, and this is one of them.

**Mr. McClellan:** The government's share is peanuts.

**Mr. di Santo:** The local share is 75 per cent.

**Ms. Gigantes:** The government pays 25 cents on the dollar.

**Hon. Mr. Wells:** There is a local share, and a provincial share if there is a continuing education program in quilting, in fishing and fly-casting and so forth.



**Mr. Martel:** The government is desperate.

**Hon. Mr. Wells:** All we are saying is that the program is there and the money is available under the continuing education program, but a school board has to agree to pick up the program and to pay its share.

**Mr. Speaker:** A final supplementary from the hon. member for Oakwood. It was his question.

**Mr. Grande:** Thank you, Mr. Speaker. What is the minister doing? It's very hard to know; I have been trying to find out for the past two years what he has been doing. I have been trying to say to him that the boards of education across Metro, and the Toronto Board of Education included, have said to him that they require full funding or at least have—

**Mr. Speaker:** Question.

**Mr. Grande:** Yes, Mr. Speaker, thank you. Is the minister giving any thought to having the heritage language programs under a totally different kind of grant, other than the continuing education grant, so that the boards can have a little more funds with which to begin these programs?

**Hon. Mr. Wells:** Mr. Speaker, I think that my friend, who is supposed to be very knowledgeable in these matters, should have attended some of the meetings that we attended. I might say that even my friend the hon. member for Kitchener-Wilmot (Mr. Sweeney) took the trouble to attend the meeting of the Toronto Board of Education and is able to tell his colleagues what we are and what we are not doing. I'm afraid the member for Oakwood just doesn't know what we are doing or what we are not doing; and he just doesn't know what the boards are doing. Perhaps when he has had a chance to talk to them he will be a little better informed. Perhaps he will then know that we have met with the Toronto board. We have discussed funding; we have agreed that we will look at funding for the future; and we have agreed that the program is going to be taken up.

**Ms. Gigantes:** Oh!

**Hon. Mr. Wells:** The member says, "Oh." We look at funding in terms of all programs for the grant regulations every year. It's a normal procedure to look at all funding when we develop the new grant regulations, and the new grant program for 1978 will include that.

But the member for Oakwood would know the kind of response from the community groups, he would know if he had met with the Black Liaison Committee, as I have, the

kind of arrangements that we are making there. So all I say is get a little informed on what is going on.

## NANTICOKE SERVICES

**Mr. G. I. Miller:** Thank you, Mr. Speaker. I have a question of the Minister of the Environment. I have received information this morning on a contract that has been let for grading and yard service in the city of Nanticoke, a contract to Boschman Contracting Limited for \$503,000. Exactly what is that for? It wasn't clearly stated in the letter.

**Hon. Mr. Kerr:** As the hon. member said, it is for grading and certain installation of infrastructure. However, I will be happy to elaborate on the letter that I wrote to the hon. member. I usually send him the particulars and details of the contract. If he didn't get that I will make sure he does.

**Mr. G. I. Miller:** Is it at the water intake site in the city of Nanticoke? I have a further supplementary if it is.

**Hon. Mr. Kerr:** I don't want to say that for sure.

**Mr. G. I. Miller:** Supplementary: Could I ask, for the information of the House, how much money has been invested in this water intake site at Nanticoke and does that include the lines to Texaco and Stelco? Could the minister provide that information?

**Hon. Mr. Kerr:** It's about \$500,000, at this stage.

## DRIVING SCHOOLS

**Mr. Philip:** A question of the Minister of Consumer and Commercial Relations: Has the minister seen, in last night's paper, the comments by Richard Palmer, head of driver education for the Ontario Safety League, that many commercial driving schools treat the lack of government controls on their industry, "as licence to do anything they want to make all kinds of promises they can't deliver in order to get more customers"? If so, what action does the minister plan taking to prevent consumers from being enticed into worthless insurance certificate programs offered by schools not certified by the safety league?

**Hon. Mr. Grossman:** Mr. Speaker, first we should have a look at the history of this, which begins when the Premier (Mr. Davis) and the then Minister of Consumer and Commercial Relations approached the insurance industry to see if a better deal couldn't be struck for young drivers. As a result of



those initiatives the IAO and other insurance groups did find a way to look after that situation. In accordance with statements made by the then Minister of Consumer and Commercial Relations, he reported that the industry had decided, and I'll read from that statement: "A new driver who has completed an approved driver training course, would now enter the insurance market at level three. The difference in premiums between levels three and zero"—at which they had entered earlier—"could be as high as 44 per cent." It was as a result of that initiative, then, that the IAO began to work with certain driving schools through the vehicle of the Ontario Safety League.

For the member's information, and directly dealing with the question, it sets out in the report on highway safety on page 2-11: "The committee gave very serious consideration to regulating the commercial driving school industry. The demand for regulation is impressive. The committee has decided, however, that new specific regulation is not needed to deal with bad business practices in the industry or to improve the quality of instruction."

By the way the member's colleague next to him was the chairman of the committee.

"With respect to bad business practices, the committee notes the existence of the misleading advertising section of the Combines Investigation Act, along with relevant sections of the Ontario Business Practices Act. It is the view of the committee that if sectors of the industry are engaging in such practices the strict enforcement of existing laws will be sufficient to remedy the situation."

**Mr. Nixon:** That was directed at you.

**Hon. Mr. Grossman:** It goes on to say: "It is important to note that the committee did not receive any evidence to verify a single incident of specific wrongdoing by a commercial driving school." That's the report on highway safety.

I want to report that we have had in my ministry one complaint—sorry, two complaints—about one single driving school. As a result of our contact with that school they changed their advertising to indicate that the certificate from their course would be accepted by some insurance companies, as promised by the insurance industry, and would effect their new driver rates.

**Mr. Philip:** Supplementary, Mr. Speaker: Does the minister not admit, and I happen to have that report of the select committee on highway safety in front of me at the moment, that the committee report goes on

to say that in fact MPPs have been receiving a great number of such complaints? Would the minister agree with the recommendation on the next page which says: "The government of Ontario should clearly and publicly designate the Ministry of Consumer and Commercial Relations as the appropriate agency for the strict and active enforcement of all relevant consumer protection legislation"? Why is he not doing something about the kind of advertising which seems to be enticing people in, and that MPPs have reported on to that select committee?

**Hon. Mr. Grossman:** Mr. Speaker, I've already indicated that we really didn't need recommendation 2-2 in the report to designate my ministry as the organization in the provincial government responsible for active enforcement of "all relevant consumer protection legislation," that is our mandate.

I've also reported to the member that we have had two complaints only in this area, both related to one school, and we rectified that immediately. If the report of the highway safety committee indicates that MPPs gave other reports to them that driving schools are unfairly advertising, then I question why those members haven't forwarded those inquiries to my ministry pursuant to doing a good job of protecting consumers. Either the MPPs receiving them are not passing them on, or they passed on the two instances and we've dealt with them.

I want to say we are watching advertisements. Where they are inaccurate, action is taken, not only at the instigation of MPPs but on our own instigation. We do move in where any of that advertising in this field, or any other field, is unfair or inaccurate. If the member has any specific instances, other than the article he stuffed in his pocket as he stood up to put this question, then he should send them to me instead of reading from someone's allegation and suggestions that we are not doing the job. Give me specifics and we'll do the job, or if not he can then stand up and say we're not.

[11:00]

## REGIONAL GOVERNMENT FINANCES

**Mr. Bradley:** My question, Mr. Speaker, is of the Treasurer: It has been the established practice in regions that the regional finance committee and the regional government shall agree upon what shall be the debt level for individual area municipalities. Does the minister agree that the finance committees of the various regional governments should



now have the right to veto specific projects of individual area municipalities, and therefore determine the local priorities?

**Hon. Mr. McKeough:** I don't know that I could answer that with a simple yes or no. I think this was debated at the time of the regional legislation. There's no question that it is the credit of the region which is at stake. Certainly one of the strong by-products of regional government and restructured government has been the excellent credit ratings achieved by a number of the regions.

The Premier will be interested to know that the region of Peel received a triple-A rating yesterday. It may well be that the principal municipality, in that case Mississauga, might have achieved it on its own; it's highly unlikely that the other two would have. So in that aspect there is a real advantage of restructuring in terms of the better credit arrangements which the whole region then shares in.

The ultimate responsibility has to be, then, in one place, and that is the region. There is—what I think we said at the beginning and I don't think we've changed this—there is in effect an appeal to the board. I'm not entirely happy about that, but I recognize the concern of the member. However, I don't know that I have a solution, or a yes or no answer to his question.

I think if I were pushed on this, I would probably come down on the side of ultimate responsibility being that of the region. I don't like to express it in terms of giving them a veto, but I think the ultimate responsibility should be theirs.

The other alternative, of course, which I reject completely, is that the province get much more involved in this. One of the strong reasons for restructured government is to put some of that decision-making closer. Whether the people of St. Catharines would be happier with me or the Ontario Municipal Board making a decision or whether they are happier with a regional council on which they have—whatever they have, 11 or 12 out of 26—I would think they would be happier, or less unhappy, with a local decision than they would be with ours.

**Mr. Bradley:** Mr. Speaker, a supplementary question: The concern that is being expressed is not specifically with the debt levels. I think individual municipalities realize that the region has the right to establish the debt levels. What I am asking the minister is does he not feel that local autonomy, and by local autonomy I mean that of the area municipalities, is adversely affected if the regional financing decisions determine the specific

priorities? Let us say they give \$5 million or allow a \$5 million debt, if they then determine whether it should be spent on arenas, sewers or some other project, are they not eroding the local autonomy completely?

**Hon. Mr. McKeough:** I don't know the situation, the specifics, but I would think they have a very definite responsibility; a responsibility which in part has been delegated to them by the Minister of the Environment (Mr. Kerr). If they're putting sewers or sewage treatment ahead of arenas, I don't know that I would necessarily quarrel with that decision. I think if there is just so much money to go around and they are determining that at this moment the priority might be higher on a sewage treatment plant or whatever than on something else, again I'm not prepared to say in a quick way that is necessarily wrong.

#### ONAKAWANA LIGNITE DEPOSITS

**Mr. Foulds:** I have a question of the Minister of Natural Resources with regard to his statement of November 1 on Onakawana. Could the minister tell us if the definition he uses for environment on page 3 of his statement, which talks about the environmentally acceptable conditions under which Onakawana would be developed, is the same definition of environment which is used in terms of reference for the Hartt commission?

**Hon. F. S. Miller:** The definition in the Hartt commission is the definition in the Environmental Assessment Act, if the member recalls. The definition in the Environmental Assessment Act is quite different than that used in the Environmental Protection Act, in that it involves the social and other aspects of life. We have put the Onakawana project under the Environmental Assessment Act, and therefore the definition is the same.

**Mr. Foulds:** Can the minister give us the assurance that the development of the lignite deposits will coincide and dovetail with the ongoing program and review of the Hartt commission into the environment north of the 50th parallel?

**Hon. F. S. Miller:** I think I'm going to leave that kind of decision to Justice Patrick Hartt. He is deciding what his involvement should be at this moment. He has made certain statements that he does not wish either to include or exclude projects. I felt that by requesting that this project come under the Environmental Assessment Act, it would get a very thorough review of its total impact and not just the particular effect upon the air, water, et cetera of the area, and therefore,



Hartt commission or not, it would pass the scrutiny required.

**Mr. Cunningham:** Supplementary: I wonder if the hon. minister has determined whether or not the development of the fire-clay resources that are located in the Onakawana area would not be incompatible with his current plans as they relate to the development of lignite coal?

**Hon. F. S. Miller:** No, they will not be incompatible at all. We hope that the use of those fire-clay resources will result in a secondary industry, perhaps in Cochrane or perhaps somewhere else in the north, Moonbeam. In any case what we have done, as I recall, is allowed that resource to be extracted by the one contractor. If Onakawana Development Limited go ahead with the extraction of lignite and have their machines on the property removing the overburden, which could easily be the fire-clay, there would only be the one set of people working the site, even though that resource would be sold and utilized, if possible, in the construction of fire-brick.

**Mr. Cunningham:** One further supplementary? Has the minister, recognizing the reluctance on the part of the principal involved in the lignite development, not considered the possibility of bringing in other individuals or other corporate interests to develop that fire-clay industry and develop employment for at least 35 or 40 people there?

**Hon. F. S. Miller:** First of all, I have to say I have no reluctance at all. In the discussions I have had, I've specifically talked about that point to see that that resource is made available. The only issue in discussion was should it be physically removed from the site by one company or two. I would agree, in the interests of managing a resource, the one company should be taking off all the overburden.

**Mr. Cunningham:** What if one company is not interested?

#### TEACHERS' SUPERANNUATION FUND

**Hon. Mr. Wells:** I was asked by the member for London Centre (Mr. Peterson), during a supplemental question, about the merits of a one-year valuation of the teachers' superannuation fund. At present, there is a three-year actuarial valuation. This is according to the provisions of the Teachers' Superannuation Act. It began about 1917 when the fund was established and conforms with the Pension Benefits Act. The actuaries have just completed the 1975 one. It cost about \$50,000. Although all the returns are not in,

I've asked the actuaries and they say that a three-year valuation is a sufficiently good piece of information to allow for good management of the fund. I think any opinions that go beyond that should probably be presented to the commission that's studying pensions in the province at this time.

#### HERITAGE LANGUAGE PROGRAM

**Mr. Grande:** Mr. Speaker, I'm totally dissatisfied with the answers supplied by the Minister of Education on the heritage language program. I wish the opportunity to debate it at the proper time.

**Mr. di Santo:** I'd like to give notice that I am dissatisfied with the answer given by the Minister of Education. I'd like to debate it on Tuesday.

#### MOTION

##### APPOINTMENT OF SELECT COMMITTEE ON INCO LAYOFFS

Hon. Mr. Welch moved that a select committee of this House be appointed to inquire of senior officials of Inco Limited and its employees or their representatives into the factors and considerations leading to the decision to announce layoffs at the Sudbury and Port Colborne Inco operations;

And further to examine the future plans of the company in relationship to the effect on the Canadian operations; and that the committee report back to the House at its earliest opportunity, but no later than one month from the date of the first hearing, making appropriate recommendations;

And that the committee have power to send for persons, papers and things, as provided in section 35 of the Legislative Assembly Act, and power to retain counsel;

And that the proceedings of the committee be recorded and transcribed selectively, as determined by the committee with its counsel;

And that the committee be composed of 18 members as follows: Handleman (Chairman), Bolan, Hennessy, Elgie, Germa, Haggerty, Kennedy, Lane, Laughren, Mackenzie, Martel, McCaffrey, O'Neil, Peterson, Pope, Reed (Halton-Burlington), Taylor (Simcoe Centre) and Walker.

**Mr. Speaker:** I must remind the House that under standing order 32(a), unanimous consent is required in order to accept this without notice. Do we have unanimous consent? Agreed. The hon. member for Kitchener.

**Mr. Breithaupt:** Mr. Speaker, at this time I will place amendments to this motion, because there are certain things in the motion



that we believe are inadequate under the present circumstances, and that having been done, I will then speak briefly to the motion.

**Mr. Speaker:** Mr. Breithaupt moves that the motion for appointment of a select committee on Inco layoffs be amended as follows:

1. That the words "and others" be added after the word "representatives" in the third line of the first paragraph.

2. That after the word "operations" at the end of the first paragraph there be added the following: "And further to recommend appropriate government action that would avoid or ameliorate the impact of those layoffs on individual workers and on the Sudbury and Port Colborne areas."

3. That after the second paragraph there be added the following: "And that the committee then inquire into the state of the resource sector in Ontario and make recommendations thereon."

**Mr. Breithaupt:** Mr. Speaker, these three amendments have particular purposes which I believe would be served and would be useful to the work of the committee, and I will refer to each of them separately.

First of all, the addition of the two words "and others" would allow other experts or other individuals whom the committee might wish to have before it attend as part of the work of the committee. It is recognized that the committee, of course, has, in its usual powers, the power to send for persons, papers and things, as provided in section 35 of the Legislative Assembly Act. However, I believe that a normal reading of the paragraph as it is now is somewhat restrictive.

It is the intention that senior officials of Inco Limited appear before the committee, because they have the most detailed knowledge which has not yet been available perhaps as public opportunity to review the information they know than has existed heretofore. We have had, by amendment, added on agreement that employees or the representatives of employees be allowed and encouraged to come before this committee, since obviously the union representatives and others would be useful in the deliberations of the committee.

[11:15]

However in addition to those two groups, we believe there must be the opportunity for outside experts or for anyone in a narrow range that the committee might wish to inquire of.

**Mr. Lewis:** We can seek advice from anyone as a committee. They can be brought before the committee as observers and as commentators.

**Mr. Breithaupt:** I suggest to the leader of the third party that any reading deals with inquiry of only two groups of persons and that they can be sent for; other persons not referred to in a normal reading of that paragraph, I suggest would not be included. I am suggesting, therefore, that the words "and others" would be a useful addition to the work of the committee.

The second point which I will refer to I believe also sets a completion on the three phases that this committee should do. In the first instance, the committee is going to inquire of certain persons into the factors and considerations leading to certain events. The second thing it is going to do is to examine the future plans of the company. However, I believe there is a third area that it is most important to have tied into this motion, and that area is referred to in the second paragraph. The paragraph I have suggested would tie these first two items together so that appropriate government action could be considered, and as a result a much sharper focus could be placed upon the work of the committee.

It may be said that the committee by reporting back will of necessity make recommendations in those areas. I do not know whether that is so or not. Therefore, I suggest that this additional paragraph would be a useful completion of the three phases that I think this committee should follow.

**Mr. Reid:** It wouldn't hurt.

**Mr. Breithaupt:** The final item, I suggest, is a useful one which would see to the continuation of this committee, that is that the committee inquire into the state of the resource sector in Ontario and make recommendations thereon. There have been a number of comments made in the House, including those in the debate by the leader of the third party yesterday, which referred to a great series of reports that this government has commissioned over the last 10 years or so and from which action has not proceeded.

As a result, the continuation of this committee would be a useful investigative procedure which would benefit the members of the House and as well benefit the people of Ontario, particularly those involved in the resource sector which very often involves a large number of one-industry or one-particular-specialty communities in the northwest and northeast of this province.

Those are the three things I suggest are useful amendments to this motion and will allow the committee to do what it is supposed to do, to come up with serious con-



clusions after a full investigation of these most difficult facts.

**Mr. Deans:** I am satisfied that the terms of the appointment of the select committee will meet the objectives we have in examining into the effect of and the reasons for the layoffs by International Nickel at Sudbury and Port Colborne.

**Mr. O'Neil:** What about all your comments yesterday on resource industries?

**Mr. Mackenzie:** The important thing is yours, and we heard them.

**Mr. Deans:** In dealing with the comments of the Liberal House leader, first of all to make it clear that since we have limited the time that the committee will have in looking into these matters, I don't want to leave the impression that this is to be an all-encompassing review. The purpose of the review is to try to determine what the reasons were for the layoffs and what, if anything, can be done before January 31.

**Mr. S. Smith:** That's why we should get experts, get international people.

**Mr. Deans:** I am sure there will be an opportunity for the good doctor to speak any time after I have finished.

**Mr. S. Smith:** I certainly shall.

**Mr. Deans:** I am sure you shall.

**Mr. S. Smith:** And you are an easy act to follow.

**Mr. Conway:** Who would want to follow God?

**Mr. Deans:** It seems to us that the people who would be most likely to have direct input would be the senior officials of Inco and the employees and their representatives. Beyond that, the committee, if it wanted to seek guidance from any other expert, would have the right under section 35 to inquire of that expert, from wherever that expert is, on any matter of his or her expertise. Therefore, I don't see the reason for including "and others" if we're attempting to get expert guidance.

Under the section of the motion which says "and that the committee have power to send for persons, papers and things," the committee therefore would be able to send for any person, any paper and any thing which it believed had any bearing on its deliberations. To add "and others" is therefore redundant. And that's the interpretation, as I understand it, of the government House leader.

The second point again, as I understand it, is dealt with in the motion. The motion says: "and that the committee report back to the House at its earliest opportunity, but no later

than one month from the date of first hearing, and make appropriate recommendations."

I would assume, since they're inquiring into the reasons for Inco's decision and the effect on the workers and the layoffs that are occurring, that the recommendations that would be appropriate would be recommendations dealing with those matters. Therefore, I can hardly imagine why we would encumber the motion by adding any further words such as "and make appropriate recommendations." That seems to me to be all-encompassing.

Finally, there is the whole matter that deals with whether the committee ought to be able to inquire into the state of the resource sector in Ontario. I don't think there's anyone in this House who denies that we are going to have to have a serious review of the state of the resource sector in Ontario. I don't think there's anyone in this House who would argue with the committee if, after it has completed its deliberations, it comes to the conclusion that there should be a recommendation saying that a further study is required and that a committee should be set up for the purpose.

But I don't think that at this point in time we should distract from the immediate problem facing us. The immediate problem is that of the layoffs at Inco in Sudbury and Port Colborne and the reasons for them. After having gone through the deliberations, I feel confident that in fact the committee will suggest that there should be further study undertaken, that some economic plans should be developed and that particular attention ought to be paid to the difficulties now facing the resource sector and the problems of a resource-based economy in many of the northern communities of this province.

**Mr. O'Neil:** Why don't you include it now?

**Mr. Deans:** But since this is an emergency situation, I don't believe that we should encumber this committee with that requirement at this time. I feel that if we're going to do that, we should do that with appropriate terms of reference having been drafted. But if we're going to set up a committee for the purpose of inquiring into the state of the resource sector in Ontario, we should design appropriate terms of reference for that committee; it should speak directly to the problems as we in this House perceive them, and not simply be an adjunct to this important matter which must be dealt with expeditiously.

I would suggest to the committee, if I may—and it may be a little presumptuous of me—just as a member of the Legislature—



**Mr. Conway:** That's never stopped you before.

**Mr. Deans:** And it's not going to stop me now.

**Mr. Lewis:** And why should it?

**Mr. Deans:** As a member of the House, I think I can suggest to the committee that during their deliberations they give consideration to what the appropriate terms might be for a further study in order that they might recommend to the House at some point what should be contained in terms of reference for this much larger study of the resource sector and its future as well as its impact and effect on the economy of Ontario.

While the Liberals in their normal fashion are attempting to get everything into one and mess it all up in the way that they usually do, they probably have overstepped themselves just a little bit this time. They have attempted to do what cannot reasonably be done by this committee—

**Mr. O'Neil:** It is what you were asking for yesterday.

**Mr. Deans:** They have not yet identified what the problems are to determine what responsibilities the select committee inquiring into the state of the resource sector should be charged with. That requires considerably longer debate because it takes into account a number of things other than simply the Inco layoffs. It has to take into account a much larger problem. That problem includes not only the immediate Sudbury area and Port Colborne areas but all of northern Ontario. It takes into account not only the mineral resource areas of the north but it takes into account depletable resources as well as renewable resources. I think we have to be sure of non-renewable over and against renewable. We have to be sure when we appoint that committee that it knows exactly what its terms are and what is intended to be studied.

I don't understand why they have moved these. I think the reason they moved them, incidentally Mr. Speaker if you will forgive me, is that before they read the actual motion they had made up their minds what they wanted. They didn't really understand the motion.

**Mr. S. Smith:** Stop wasting the time of the House with this garbage.

**Mr. Deans:** I can appreciate that, because it is the normal practice in the House for the Liberal Party not to read what is put before them. They are trying to play political games and it won't work.

**Mr. S. Smith:** That is pretty nauseating.

**Hon. F. S. Miller:** Standing up to agree with my friends in the ND Party—

**Mr. McClellan:** You finally got it right.

**Hon. F. S. Miller:** —is something that is not common.

**Mr. Deans:** And not even required.

**Hon. F. S. Miller:** However, I think one should keep a couple of points in mind. This committee is reacting, as all speakers yesterday agreed one should react, to an immediate problem. The real problem, one which needs study, is being studied right now by the committee of cabinet. This does not in any way preclude future study by the resources development committee or any special committee. But let's concentrate today on the immediate problem and let's pass the resolution as proposed.

**Mr. S. Smith:** I would like to speak to this amendment. I think these matters are crystal clear. I hardly wish to give the member for Wentworth the unnecessarily high recognition of even responding to his comments.

**Mr. Deans:** Then don't.

**Mr. S. Smith:** I would point out to him that the recommendations we have made with regard to this were released by our party in a press release several days ago, long before we even saw the motion that came from either one of these parties.

**Mr. Deans:** You can't move now, you are locked in again. After having made a silly suggestion, you can't backtrack.

**Mr. S. Smith:** What I would like to make very clear is that some considerable discussion has gone on with other House leaders with regard to this. The three matters that have been suggested as amendments could be, if anyone here so desires, voted on separately. I would like to discuss them separately.

The first one suggests that "and others" be added. We have heard from the wisdom and depth of experience of the member for Wentworth that in his view any other experts desired by the committee could easily be called under section 35. It is my understanding that in point of fact the restrictive nature of the wording in the first paragraph means it will be very difficult for the committee to reach outside the terms of that paragraph to call in experts from other companies, experts from the financial world and experts from the metal markets to check on the kind of information which the committee receives from Inco and from the other representatives who will be there.

It is a very simple matter to be settled as far as I am concerned. If the government House leader is willing to assure this House that his members on the committee will agree that paragraph one not be interpreted in a



restrictive manner, and that the committee will have the right to bring before it whatever persons and experts it may wish, then we will be quite happy to withdraw the first part of the amendment.

**Mr. Lewis:** There is the chairman of the committee, ask him.

**Mr. S. Smith:** We insist that we have that assurance from the government House leader that this will not be restricted just to big business, from Inco itself, and just to the union people, who we are very happy to see added and were added at our suggestion anyhow.

**Mr. Deans:** Your suggestion? Not on your life.

**Mr. S. Smith:** That is correct, my suggestion, yes.

**Mr. Deans:** Not on your life. You never even put it forward.

Interjections.

**Mr. S. Smith:** My God, they are insufferable.

The second aspect of the amendment suggests that the committee recommend appropriate government action to avoid or ameliorate the impact. It has been criticized on the grounds of redundancy by the party to my left. I can accept that it may be in some instances, by some interpretation already taken care of in the general point, that the committee may make what recommendations it wishes. Nonetheless, we see no harm in being a little more specific in outlining this, and if redundancy be the only sin with regard to this amendment then I think the people to my left are being exceptionally purist, especially given the lack of support they gave the idea of a core curriculum for the teaching of English in the schools of Ontario.

[11:30]

I would say, as far as the third one goes, that we all agree there is a need for a committee to look into resource strategy in this province. The member for Wentworth suggested that such a committee would have to have very clear and well thought out terms of reference, and of course he is quite right. The fact is that the terms of reference suggested for such a committee could easily be discussed in the committee we are now setting up; that particular committee could come back with the terms of reference for the consideration of the House if it so wished.

In any event, members of the House may be interested to know that our party was quite prepared to accept a situation in which, if the committee presently being struck was

to make a recommendation for a select committee to look into the resource sector, if the government would guarantee that such a committee would in fact be struck, we would be quite happy not to put forward this amendment. We received no such guarantee from the government House leader, and I would think that the member for Wentworth ought to recognize that the government has steadfastly refused to guarantee that if this committee we are presently striking were to ask for a committee to look into the resource strategy of this province that it would automatically set up such a committee. It would simply consider the matter in the fullness of time. Under these circumstances, he may be willing not to take this opportunity to get the resource sector looked at and to rely on the good faith of the government. I am not willing to rely on that so-called good faith.

**Mr. Germa:** You had your chance yesterday and you blew it.

**Mr. S. Smith:** If the NDP members wish for some unknown reason, on the fictitious grounds of so-called redundancy, to proceed without a guarantee that the resource sector in this province is going to be looked at, then that in view of all their posturing yesterday, they will have to explain that in northern Ontario and elsewhere.

**Mr. Wildman:** That's what you are doing today.

**Mr. S. Smith:** We have an opportunity here to amend the motion in such a way as to assure the people of Ontario that the resource sector will be looked at in this province and, furthermore, that there will not be unnecessarily narrow terms of the present committee that we are striking.

This is a great opportunity. It's a great pity; it looks to me as though the other two parties have decided to scuttle what could be an excellent opportunity for the people of Ontario.

**Mr. Germa:** You had your chance yesterday.

**Mr. Martel:** Mr. Speaker, I am really amazed at the Liberals' position, having listened to them yesterday as they ranted and raved. In fact, the only one who spoke any sense was the member for Rainy River.

**Mr. S. Smith:** Oh yes, a committee we don't need but an election we need, according to the NDP.

**Mr. Martel:** He talked some common sense yesterday. The rest of them ran off both sides of their mouths at the same time. When we talk about a review of mining, there was a report tabled in this Legislature



in 1973 about mining and a whole series of recommendations, which they all dissociated themselves from yesterday, particularly the member for Nipissing (Mr. Bolan), whose predecessor in that position signed a select committee report which called for equity in mining. Yesterday, listening to the Liberals, it was amazing.

**Mr. O'Neil:** Get on with the subject.

**Mr. Martel:** I am speaking to the motion. They are talking in their amendment about a committee to inquire into the state of the resource sector. That was examined in great detail for about two and a half to three years by a select committee, and yesterday the Liberals dissociated themselves entirely from the recommendations which were made by that committee. I remind them that they had two colleagues on that committee—the member for Nipissing (Mr. R. S. Smith) and Mr. Deacon—and they dissociated themselves from that yesterday. Even though their colleagues at that time called for a 50 per cent equity in mining, yesterday they flailed around and ranted and raved about nationalization and having no part of it, and here they are today saying—

**Mr. Deans:** They want to study it again.

**Mr. Martel:** —“We want to study it again. We want to study it again.” They had no confidence in those two colleagues.

**Mr. Breithaupt:** You would rather not study it at all.

**Mr. Martel:** We studied it for three years. I'm sure we've got some feeling for it.

**Mr. Lewis:** We don't need another study of the resource sector in this province.

**Mr. Martel:** I suggested that we did, and you've totally ignored it, just as yesterday you wanted to scream that you were free enterprisers.

**Mr. Breithaupt:** And we are.

**Mr. Martel:** You ignored that whole study, and you're going to ignore it again, I don't doubt it. So the hypocrisy shows. You had your opportunity yesterday and now you want to cloud the water. Let me tell you how.

**Mr. Wildman:** You want it both ways.

**Mr. Martel:** I hate to go over what my colleague has said, but I don't know if you can read. You're the people who talk about something wrong with our educational system.

**Mr. Lewis:** You have problems with simple literacy over there. You are a pack of illiterate babble over there.

**Mr. Mancini:** I object strongly.

**Mr. Martel:** I want you to get the flavour of this, okay. In the recommendations it says, “and that the committee have power to send for persons, papers and things.”

**Mr. Breithaupt:** Only those referred to in the first paragraph.

**Mr. Martel:** Don't kid the troops.

**Mr. Breithaupt:** We will see who is right.

**Mr. Martel:** My friend, if you take that attitude, we have enough votes in the committee to force what we want.

**Mr. Breithaupt:** Maybe so.

**Mr. Martel:** Maybe so. Well you can show your true colours there.

In fact as I read that it says, “and that the committee have power to send for persons, papers and things as provided in section 35 of the Legislative Assembly Act, and power to retain counsel.” That tells us that if we need an expert in the field of mining, we as a committee have the power to send for that person to appear before the committee for their expertise in that particular field.

**Mr. Breithaupt:** That's your opinion.

**Mr. Martel:** That's my opinion and that's what I have to vote on—my opinion. But I'm not going to play little games.

**Mr. Kerrio:** We don't care if you vote. We want the government to say it.

**Mr. Roy:** Why not make it clear?

**Mr. Martel:** It is clear. I suggest that the member read it again, being a lawyer of all people.

Now what else have we got? We've got a thing in there that says, “and the committee has the power to make recommendations.” Now how in God's name do you think that extra clause is going to change anything, when already in the motion it says we will make recommendations is beyond me. All I can see is posturing on all three counts.

**Mr. Roy:** You wouldn't know about posturing, would you?

**Mr. Lewis:** Indeed we would; therefore, we should be able to identify it.

**Mr. Martel:** It seems to me that when the committee looks at Inco it will, in fact, discuss other things and hopefully come to a recommendation—such as what's happening in Falconbridge, where there's a bigger percentage of the work force being laid off than at Inco.

**Mr. Haggerty:** You had forgotten them, Elie.

**Mr. Martel:** No, I haven't forgotten them at all.

**Mr. Haggerty:** You're just worried about Inco.

**Mr. Martel:** I suggest you might have been here for the debate yesterday. You weren't even here yesterday.

Interjections.

**Mr. Speaker:** Order; confine your remarks to the subject at hand.

**Mr. Martel:** As I understand it, Mr. Speaker, if the member were so concerned he would not have had to fight with his leader, who a couple of weeks ago said we should refine the matte even less, and it would have wiped out Port Colborne totally. That's your leader. He called for even less refining.

**Mr. Kerrio:** That has already happened.

**Hon. Mr. Davis:** The Liberals are going to have to explain to their constituents.

**Mr. Martel:** He was going to wipe it out. If you think you're down to 14 years now, you wouldn't have anyone there—

**Mr. Speaker:** Order.

**Mr. Martel:** Mr. Speaker, speaking to the motion—

**Mr. Speaker:** We're dealing with specific amendments to a motion that's before the House; confine your remarks to the amendment.

**Mr. Martel:** I appreciate your bringing me back to the amendment, Mr. Speaker. I want to say that of the three items that the Liberals have moved, two of them are already in the motion; and surely the Liberal Party can't usurp the recommendations that the committee itself should be making to bring back to this Legislature for the government to act on. That's what the Liberals are attempting to do. They are trying to predetermine what the committee should make as recommendations.

**Mr. Breithaupt:** Your first speaker just said he was going to suggest what the committee should do.

**Mr. Deans:** I did.

**Mr. Breithaupt:** That is all right?

**Mr. Martel:** He said he would suggest it; you want to write the recommendations for us. Obviously, we don't need to sit, if you're already going to make the recommendations.

**Mr. Deans:** They already did.

**Mr. Roy:** You're just annoyed because you didn't think of it.

**Mr. Martel:** I would ask the Liberals to stop their posturing and let the motion go through.

**Mr. Speaker:** Is there any other person wishing to speak to the amendment?

**Hon. Mr. Welch:** May I make one or two comments? I think it would be very presumptuous of me to attempt to guess or to anticipate what this committee is going to recommend to the House. When the Leader of the Opposition (Mr. S. Smith) starts putting on the record some request for undertakings with respect to what this committee might or might not do, I think it would be quite improper of me at this stage to make such undertakings. Under the circumstances the three amendments to the main motion that have been placed have been very well discussed. I do appreciate the comments of the Leader of the Opposition when he points out to the House that there have been a number of sessions, in which we have been attempting to arrive at some consensus to capture both the spirit of the earlier requests that were made during the course of discussion of these very important matters and, ultimately, the response of the Premier to refer these questions to a special committee of the Legislature.

I would think, on a reading of section 35 of the Legislative Assembly Act, that the committee has the powers to do exactly what that section says in response to the general terms of reference which lead to the clause that deals with making appropriate recommendations to the House. I would hope we would proceed to adopt the main motion so that this committee could constitute itself and get on with the immediate job that concerns all members of this House, to get into the Sudbury and Inco operations of Inco Limited so that we are that much better informed with respect to the immediate problem.

**Mr. Speaker:** Mr. Breithaupt has moved an amendment to the main motion.

All those in favour of Mr. Breithaupt's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

**Mr. Breithaupt:** In order to avoid cutting into the private members' time, we will not call for a recorded vote.

**Mr. Speaker:** I declare the amendment lost.

**Mr. Conway:** Red Tories and blue socialists.  
Motion agreed to.

## INTRODUCTION OF BILL

### PETTY TRESPASS AMENDMENT ACT

Mr. Eaton moved first reading of Bill 101, An Act to amend the Petty Trespass Act.

Motion agreed to.

**Mr. Eaton:** I feel there has been an ever-increasing increase in trespassing and petty



thefts from Ontario agricultural land, and I therefore feel we need a curb on this activity. The purpose of this bill is to remove requirements from the Petty Trespass Act that land be enclosed or that land must be posted before one can be considered a trespasser. It places the onus on persons to ask permission to enter another person's land and it increases the maximum fine to \$1,000 from the present \$100. It removes the liability from a property owner for trespassers, unless deliberate intent to do harm to the trespasser is involved.

[11:45]

## ORDERS OF THE DAY

### PRIVATE MEMBERS' BUSINESS

#### ONTARIO FOOD TERMINAL AMENDMENT ACT

Mr. Pope moved second reading of Bill 82, An Act to amend the Ontario Food Terminal Act.

Mr. Speaker: I would remind the hon. member that he has up to 20 minutes. If he wishes to reserve some time for a windup or a response to other comments, he may do so by indicating at the end of his opening remarks.

Mr. Pope: Yes, Mr. Speaker, I do intend to reserve some time for a reply. At the outset I would like to thank Jean Charbonneau and Irene Avila for the assistance they have provided to me in the preparation of this amendment. This amendment first started with the Cochrane South Progressive Conservative Association in 1975. I would like to thank them for the research work they and many other people of northern Ontario have provided.

The purpose of this bill is, first, to expand the objects of the Ontario Food Terminal Board to include the establishment of a branch food terminal in the district of Cochrane and, second, to forbid new or expanded wholesale fresh produce operations in the district of Cochrane. Without these two substantive amendments to the Ontario Food Terminal Act, it would be impossible for the food terminal to expand to northern Ontario.

This bill arises from concerns expressed to myself and my predecessors by producers, wholesalers and consumers of my riding of Cochrane South, and indeed of all of northern Ontario, about the state of the agricultural industry generally, and the fresh produce sector of it specifically, throughout northern Ontario.

I would like to share, with the members of this House, my understanding of both the enormity and the complexity of the problem. This understanding, I must admit, has been

gained through research of reports and interviews with farmers' unions, wholesalers, retailers, consumers and government officials as well as university professors.

The vast majority of arable land in north-eastern Ontario is located in the great Cochrane clay belt, and in the vicinity of the city of Timmins, to the extent of 2.2 million acres; and in the little clay belt, in the northern end of the district of Timiskaming, to the extent of 391,000 acres. By arable land we mean class two and class three soils as defined by the federal Department of Agriculture or high-soil capability as defined by the Ontario Ministry of Natural Resources.

Of the total of 2.7 million of high-quality arable land in northeastern Ontario as a whole, a mere 918,000 acres—one-third—are included in census farms. Further, only 382,575 of these acres comprise improved farm land. Of that improved farm land, only on 252,500 acres were crops of some kind being grown; this was done on 2,850 census farms through which 13,347 people derived direct income.

This base must serve, and be compared with, approximately 559,850 people in the northeastern Ontario market area at present. This population is projected at 779,000 by the year 2001. Note that we have not included the population of northwestern Quebec, which is almost totally served, with respect to food products, through Ontario.

Clearly, northeastern Ontario's vast agricultural potential is far from being fully utilized. Despite the high-capability land and the large size of farms in northern Ontario, economic output is low: 52 per cent of all census farms have gross annual proceeds of less than \$2,500 and, in some districts, including the district of Cochrane, the average farm income for tax purposes is negative.

It is also clear that in northeastern Ontario farm incomes are declining along with farm population, the number of farms and the amount of improved agricultural land. Quite simply, agricultural land in northeastern Ontario is going out of production.

For example, the farm acreage in the district of Cochrane declined by 46 per cent from 1961 to 1971 and by 25 per cent for the whole of northeastern Ontario. In the district of Cochrane, the number of farms declined from 900 in 1961 to 340 in 1971 and from 5,000 in 1958 to 2,489 for the same time frame in all of northeastern Ontario.

A number of reasons have been given for this decline. The consensus appears to be



a combination of more remunerative employment opportunities outside of agriculture, high transportation costs to market, fluctuating market demands, competing land uses, lack of storage and marketing facilities and climate.

A farmer in northeastern Ontario generally lacks access to local markets because of bulk-buying practices of chain stores and must ship his produce south to markets, including the Ontario Food Terminal in Toronto, or sell it at discount to a wholesaler to encourage pick-up in the north. It is thus the producer who must bear the transportation cost in order to be competitive with established bulk wholesale prices. This same product shipped south may be marketed here in Toronto and shipped right back up north to wholesalers and retailers there. In fact, we have an enormous transportation system handling fresh produce and potatoes, let alone dry groceries.

The Ontario Northland Transportation Commission through Star Transfer employs 12 refrigerated truck lines full-time on this north-south route. The rates charged from Toronto to Timmins for a 2,400-pound load is \$2.01 per cwt, that is \$482.40. With respect to a 30,000-pound load, it is \$1.65 per cwt, that is \$495, and with respect to a 40,000-pound load, \$1.54 per cwt, that is \$616. Note that this is a one-way charge only.

In addition, wholesalers annually ship from Toronto to Timmins, Cochrane, Kirkland Lake and Rouyn-Noranda approximately 1,400 truckloads of fresh produce. For instance, Jessels ships 400 trucks per year, according to its estimates, to the Timmins area. Porcupine Fruit ships 100 trucks. National Grocers, now located in Cochrane, ships 100 trucks. M and S in Kirkland Lake ships 50. Montemorro Food Stores in the Rouyn and Kirkland Lake area ships 250. Gamble Robinson presently located in Rouyn, doing its purchasing out of the Ontario Food Terminal in Toronto, ships 50. The chain stores, A & P and Dominion, ship approximately 100 truckloads each.

That total, by the way, is 1,150. In addition, there's approximately an additional 20 per cent of truckloads, or approximately 350 truckloads, of potatoes being shipped north to the Timmins, Cochrane, Kirkland Lake and Rouyn area alone. In addition, there are substantial transportation systems operating into the Sudbury area and the North Bay area. In the Timmins, Cochrane, Kirkland Lake and Rouyn-Noranda area alone, these truckloads of fresh produce, each valued at between \$8,000 and \$10,000, average a total dollar value in the range of \$10 million. I believe the implications are clear. Northern

Ontario, in spite of its vast agricultural potential, is not even meeting its own market needs, even in those agricultural products in which it excels.

Wholesalers in northeastern Ontario purchase fresh produce from southern Ontario and, because many are not licensed public commercial carriers, do not have full trucks or even part loads heading south. In other words, their transportation systems are inefficient. For many grocery products, the consumers of northeastern Ontario pay comparable prices to those in southern Ontario with a built-in five to eight per cent of purchase price for transportation costs. However, on many other items, northeastern Ontario consumers do pay more.

The construction of a food terminal by the government with space leased to the wholesalers would provide accessible market facilities for producers. It would reduce transportation costs to the producer in obtaining access to markets. Products could be transferred between terminals by the Ontario Food Terminal board according to its present mandate. With steady supply at competitive prices, because of the open market system, local producers could begin to supply the local market. Wholesalers and retailers could still order in bulk and split the source of their orders. In other words, an order could be placed in Toronto for both the southern Ontario market and the northeastern Ontario market. Shipments could be made to the northeastern Ontario market through the northern food terminal.

Storage facilities could be constructed by the Food Terminal Board or by co-operatives of producers or wholesalers. This would help to revitalize the agricultural industry. It would reduce costly inefficiencies in transporting practices of wholesalers and retailers in northeastern Ontario. This should have the effect, it is hoped, of decreasing some food prices to the consumers of northeastern Ontario.

In addition, a greater variety of crops, such as potatoes, cabbages, beets, onions, turnips, carrots and others—and I don't think I should mention mushrooms—could be grown and jobs would be created in agriculture, in processing plants, in freezing plants, and in agricultural service industries.

The implementation of this bill would not solve all the problems of the agriculture industry. We must consider changing policies on disposition or use of arable land by the Crown. We need agriculture research and moneys for the purchase of modern machinery. We need to examine the economies of farm size, we need storage facilities, but we



also need, first and foremost, a marketing structure and strategy for agricultural products in northeastern Ontario, thereby creating the necessary incentives to revitalize the agricultural industry.

I believe this bill is a necessary step to begin that process. I hope other members will look upon it in that light and pass this bill through second and third reading today.

**Mr. Riddell:** In debating Bill 82, An Act to amend the Ontario Food Terminal Act, certainly we in the Liberal Party are prepared to support any means of helping northern Ontario with its agricultural industry, but I think we have to look at some of the problems that are found in that particular area and we also have to look at what the original concept of a terminal system was. The member for Cochrane South talks about all the arable land that is available in northern Ontario and is not being farmed at the present time, but I think he must also realize that it is simply not the land that will produce food, we also have to take a look at the heat units. The fact of the matter is that you simply do not have enough heat units in northern Ontario to grow very many fruits, and I understand that the vegetables that are grown in northern Ontario are pretty well limited to such things as potatoes, and they aren't grown in any great abundance.

The concept of a terminal system is to bring the most produce and the most buyers to one point. It has the most aggressive buyers and the most variety for the consumer. Remember, I indicated variety. There is something that we could not be able to put through a food terminal in northern Ontario, and that is a variety.

If we start building small terminals around the province it could very well jeopardize the terminal concept, because is there any more justification in putting, say, a food terminal in northern Ontario, where there isn't a great deal of produce grown and there can't be a great deal of produce grown because of the heat unit factor, than there is in establishing, say, a food terminal down in southwestern Ontario where we have a lot of this type of produce grown? I think we have got to take that into consideration.

I have also indicated there are very few vegetables grown in the north, not even enough to supply the local market. I got a lot of this information from talking to Ministry of Agriculture and Food officials in northern Ontario. There are some strawberries grown and there are some potatoes grown, but the fact of the matter is there

are not enough heat units to produce the fruits and vegetables that are required by the wholesalers and retailers in that part of the country.

This bill, of course, does not cover livestock, because fresh feed comes under another Act. I believe maybe it does cover some canned meats, but I am sure that that is not a major concern from the standpoint of this particular bill and the purpose in establishing a food terminal in northern Ontario.

[12:00]

I think we also must realize that a food terminal in northern Ontario would not be self supporting. I'm sure of this. I also received this information from Ministry of Agriculture and Food officials in northern Ontario.

In many ways I can't see the justification of the expense to establish a food terminal in northern Ontario. I think that the government should be setting up more vital programs for farmers that would be used, such as storage facilities.

The fact of the matter is, the wholesalers want to buy produce in large quantities and that's why they rely on the markets here in southern Ontario. They can't get the amount of produce in northern Ontario they need in any one week. They can't expect farmers to go to the field and dig potatoes in order to produce the quantities they require in their wholesale and retail outlets in northern Ontario. Therefore, to be sure of an adequate supply, they have to rely on the markets here in southern Ontario. That's what leads me to believe that wholesalers and retailers would perhaps not support a terminal market in northern Ontario. If they're not prepared to support it, then there's no way that that food terminal will be self-supporting.

I'm not too sure, with the restraint programs that we have at the present time, that the government is going to be prepared to keep this food terminal operating. The one here has to be self-supporting and it is. I would expect that the food terminal established in northern Ontario would also expect to be self-supporting.

I've indicated that storage for vegetables is a problem in northern Ontario and this is where I think we should be concentrating our effort. We should establish storage facilities so that the producers have a place to store their produce. Then the wholesalers and retailers might be interested in dealing with them, because they can get the produce they need in the quantities in which they need them.

I understand that a study is either being considered or has already been commissioned



by the Ministry of Northern Affairs in conjunction with the Ministry of Agriculture and Food. I say that this whole thing should be studied first, that we should do a cost-benefit analysis before we rush headlong into establishing a food terminal in northern Ontario.

Lastly, I would like to indicate that we probably are inviting imports into northern Ontario—from Manitoba perhaps, from Quebec, maybe even from the States. If you put up a food terminal there, then I think you're going to see imports come in and your producers faced with competing with that produce coming in from other countries where some of them can produce it at an advantage you couldn't get in northern Ontario. I think you've got to take that into consideration.

**Mr. Foulds:** That happens now.

**Mr. Riddell:** So we're going to support the bill because certainly if there is any way of increasing the production of agricultural products in northern Ontario, we're all in favour of it. But I question very much whether you're going to get the type of support for a food terminal by the wholesalers and by the retailers in northern Ontario that would render that particular establishment self-supporting. Thank you.

**Mr. Wildman:** I rise in this debate on an Act to amend the Ontario Food Terminal Act to indicate support for the bill in principle. But I have serious questions about whether the bill will have the results that the member for Cochrane South hopes it will have or thinks it will have.

Certainly in northern Ontario we have a viable agricultural industry. We have some of the best soils in the province, as he has indicated. I am reminded that the member for Lambton (Mr. Henderson) one time got up in the House prior to an election and indicated he didn't think anyone on this side of the House represented an agricultural riding. At that time, of course, Mr. Bill Ferrier represented Cochrane South. Now, suddenly, we have a new member for Cochrane South who is interested in agricultural matters. I hope that he educates the member for Lambton—

**Mr. MacDonald:** The whole Tory party.

**Mr. Wildman:** —as to the fact that there are agricultural ridings in northern Ontario.

**Mr. Eakins:** The colour of his glasses has changed since then.

**Hon. W. Newman:** You came close, didn't you.

**Mr. Wildman:** No, I didn't. I went way up. So did the Tories, but not enough.

Certainly we have some of the largest farms in the province and I thank the member for supplying me with his background material so that I could look it over prior to the debate. Some of the things in the background material, though, I think should be looked at in relation to what it says in the bill.

First, certainly we have the soils; the arable soil is there. But the fact is that the background material doesn't include the number of farmers who actually are making a full-time living on farming. I think it is important to realize that the figures that the member for Cochrane South quoted as to direct income for farmers are very low, certainly when compared with those in southern Ontario. If he feels the setting up of a food terminal in northeastern Ontario would turn that around, I think we are going to have a lot more done to help northern Ontario farmers in order to do that.

I realize he says that this is a first step, and in that sense we are willing to support the bill in principle. But there is certainly going to have to be a lot of other things done because, as the member for Huron-Middlesex said, the land itself will not produce the goods unless we have the farmers who are going to be doing the production and unless we have the number of other factors that are going to make that possible.

One of the major questions I have with the bill, although I said I supported it in principle, concerns the idea of setting up marketing facilities in northeastern Ontario. I support that idea, but my question largely revolves around the location. I have discussed this with the member for Cochrane South and he has indicated that the large number of acres of arable land in the great clay belt was one of the main reasons that he decided it should be in the Timmins-Matheson area. If we are going to do this, I really wonder whether we perhaps should not be setting up a terminal that would serve the whole of northeastern Ontario. I think that is the purpose of the bill.

I wonder if that location is a viable one. Although we support the bill in principle, we would hope that it would go to committee so that study can be done to determine what would be the best location if it is going to serve the whole of northeastern Ontario.

The reason we are in favour of it, though, is that this is something that would help northern producers to give them an opportunity to market locally and to give good-quality produce to northern wholesalers and consumers.



One of the major problems that we have in northern Ontario, especially for farming but for other businesses and consumers generally, is transportation costs. If it is possible, through the development of a terminal, to have larger bulk shipping, and making the terminal board responsible for the shipping, then perhaps there would be a saving in transportation costs. The smaller the shipment, of course, the higher the cost. That probably would be a good thing.

One of the sources the member for Cochrane South pointed to was the strategic land-use plan and a statement made in that document where it states: "There is a great need for storage facilities in the region. Northeastern Ontario can produce outstanding crops, such as potatoes, raspberries, strawberries, blueberries; and vegetables such as parsnips, cabbages and carrots; but the lack of storage makes it necessary to ship these out of the region, often at a loss."

I think that really points out what the member for Huron-Middlesex is talking about. We need storage facilities. It's important that we have those kinds of facilities in the north. Again, I want to point out that it must not just be set up in such a way as to serve Cochrane. It seems to me if we are going to establish this kind of facility in northern Ontario, it must not just serve Cochrane but must serve Manitoulin, Timiskaming, Nipissing and Algoma. I am concerned whether that location would be a viable one. I would hope if it goes to committee that question would be studied and we could get some further information on that.

I don't think it is enough to say the number of possible acres of farm land in a particular district should be the only thing that should determine it. One of the problems we have in the arguments for Cochrane is that there are fewer farms in Cochrane. Although there is a great deal of land which could be arable and which could be used for farming, actually Cochrane has the weakest agricultural base, it appears to me, of all of the areas; certainly when compared with Manitoulin and Timiskaming. I wonder whether the member for Timiskaming (Mr. Havrot) might be interested in having such a facility, if he is in favour of the bill, located in the tri-town area. That might be something to be looked at.

**Mr. Bradley:** He didn't promise it in the election campaign.

**Mr. Wildman:** Nipissing and Algoma also have a more viable agricultural industry than Cochrane does at the present time. I think that really has to be looked at.

The member for Huron-Middlesex, I think, also alluded to the fact that if this is a first step, there are also other things that have to be done, such as looking at the use of Crown land that could be arable. One of the problems we have right now is that the Ministry of Natural Resources has large amounts of land that could be arable, a good portion of it in my area, which at one time was used for farming and has reverted to the Crown for arrears in taxation. For some reason, the Ministry of Natural Resources makes it very difficult for any farmer now in the vicinity to obtain that land and to use it. They can only get a one-year land-use permit, and who is going to fence land for one year.

The transportation costs in general are a problem. That hurts farmers who are shipping not only this kind of produce but who are shipping beef. They have a great deal of shrinkage. They get to the Toronto market and they are stuck. They can't go home like a southern Ontario producer.

I know these comments may not relate directly to the principle of the bill, but I think that it is important that we realize that transportation costs don't just relate to this kind of project. They also relate to the question of getting parts. If a farmer has a machinery breakdown in the middle of harvesting, it is very difficult for him to obtain parts in northern Ontario.

We support the bill in principle.

**Mr. Deputy Speaker:** The hon. member's time has expired.

**Mr. Wildman:** We would hope that the bill would go to committee to deal with the question of location so that it could deal with the whole area of northeastern Ontario.

[12:15]

**Mr. Havrot:** Mr. Speaker, first let me begin by congratulating the member for Cochrane South for presenting this excellent idea. It could have far-reaching effects on the economy of northeastern Ontario and I am naturally very enthusiastic about the whole concept.

Those of us who live in northeastern Ontario are aware that agricultural enterprises have not been flourishing in our area of late. This is not, however, because the opportunity is not there. The major problem facing our farmers or potential farmers is marketing and transportation. If this bill receives approval by the House and if the terminal is built, a shot in the arm would be given to our whole area.

There has been some question about the viability of agricultural activity in the north-east and I would like to put any fears to rest.



A recent study by Professor Douglas Hoffman of the University of Guelph Centre for Resources Development indicated there are certainly sufficient quantities of high quality land for agriculture in our area. Our cool climate is the only limiting factor with regard to crop production. However, there are over two million acres of class 3 soils in the great clay belt and in the Timmins region. Only a small amount of this land has been improved, but the potential is there.

**Mr. Riddell:** Land that will grow hay and grain.

**Mr. Havrot:** As Professor Hoffman has said, and I quote: "Shorter crop varieties, improved marketing techniques and greater world demand could lead to more agricultural opportunities in the north."

Of course, we can do relatively little about the world demand, but we can do something about the other two conditions. We have plenty of help in the area of shorter crops, and this bill could go a long way to improving marketing in the northern part of the province.

As more and more demands are made on the available land in southern Ontario we will be looking to the north for increased production. It certainly makes sense to me that we begin now to prepare for those increased demands.

As I said, it is not out of the question. We have the land, the expertise and the farmers. What is required is more sophistication in the marketing end. What is even of more interest to me, as the member from a neighbouring riding, is the possibility for the development of secondary industry as a result of placing a food terminal in the northeast. The opportunities for canneries, storage facilities and meat processing plants are readily apparent. Once the market is established, all of the facilities would be necessary.

It is not difficult, by the way, to see the development of a strong market, with increased marketing power and decreased costs, because we would be eliminating much of the transportation costs. The demand would be there. The increased demand in turn would encourage more and more farmers into production.

There is a great need for storage facilities in our region. As Professor Hoffman has pointed out the northeastern area of Ontario can produce outstanding crops of potatoes, raspberries, strawberries, blueberries, parsnips, cabbages and carrots. Unfortunately lack of storage facilities has made it necessary to ship these crops out of the region, and as mentioned before often at a loss.

Proper storage could provide a needed impetus to potato production, which is an important crop in the sandy, silty soils around Englehart and in the Cochrane area. I might add, contrary to the beliefs of the member for Huron-Middlesex, the quality of potatoes grown in my area, particularly in that area of Englehart, is such that year after year the Edwards family in that area of my riding have won first place at the Royal Winter Fair.

**Mr. Riddell:** What about the quantity? I didn't say anything about quality, I said quantity.

**Mr. Havrot:** They are not going to grow quantities if they don't have the marketing capabilities.

In the matter of secondary development, the possibility of new crops also exist in our area. Opportunities exist, for example, in the production of clover seed, milk, eggs, et cetera. These would be ideal products in the northeast, because they are less labour-intensive. Speaking of milk, I would just like to say that I've learned a dairy in New Liskeard has just been given the go-ahead for construction of a facility to produce ultra-high-temperature, long-life milk.

**Mr. Bradley:** It is costing you votes.

**Mr. Havrot:** This will be the only plant of its kind in Ontario, and its approval indicates the strength and the revitalization of the dairy industry in northeastern Ontario, specifically the district of Timiskaming.

**Mr. Wildman:** No question about that.

**Mr. MacDonald:** It doesn't need this bill. That is covered in other legislation.

**Mr. Havrot:** There is also, I might add, a new interest in the beef industry in the northeast. The potential for slaughterhouses and processing plants is there.

**Mr. Riddell:** It is still nothing to do with this bill.

**Mr. Havrot:** In other words, what I am saying is that there is a strong indication that the northeast is awakening to the increased possibilities of agriculture. So is the south. The food terminal suggested by the hon. member for Cochrane South would fulfil a vital role in continuing this stimulation. Of course, I also realize the potential for my own area. The location of the terminal as proposed would be ideal. It is adjacent to Timiskaming and the economic advantages would certainly affect my own riding. A revitalized agricultural industry would reinforce Kirkland Lake's role in transportation throughout the whole northeastern part of the province, as well as Quebec.



Let me conclude by indicating some of the scope of the advantages that would accrue to the north. Professor Hoffman has pointed out that with renewed production in the north the following areas would be stimulated: canneries for peas, berries, carrots and potatoes; freezing plants for peas, berries, carrots; abattoirs; storage facilities for potatoes, carrots, parsnips and cabbages; service industries; farm implements; fertilizer; feed and seed; co-ops; insurance; building products.

In short, I think the idea to build a food terminal in northeastern Ontario is first class, and I don't mean that in any selfish way. The benefits which would come from this terminal would find their way to all parts of the province. It is a suggestion that would stimulate many sectors of the economy and I am all for it.

**Mr. Bradley:** It would ensure your re-election.

**Mr. Havrot:** I'll conclude by once again congratulating the member for Cochrane South and by exhorting all members of the House to support the bill.

**Mr. McGuigan:** Mr. Speaker, I'm probably the only member in the House who took an active part in the old St. Lawrence Market here in Toronto. Certainly it's one of the jewels in the crown of the government of Ontario that it took the move to the Ontario Food Terminal, going from a sort of rat-infested, very antiquated market to one of the most modern markets in North America, one that has been emulated by Americans and by people from Europe and from all over the world who have come to look at our terminal system. I've seen many markets in North America and other parts of the world and the Toronto wholesale terminal is one of the most outstanding markets in the world, and it's made so because it was given the benefit of government legislation and government protection.

If we in the Liberal Party could extend any of these benefits to our fellow farmers and growers in northern Ontario, Mr. Speaker you can be sure we would. As for the horticultural industry, while members of the horticultural industry at times may do some infighting, in the general sphere we feel that the more producers we have and the more impact that we can have upon the Ontario scene, the greater strength we're going to give to that Canadian industry.

While it has been so successful here in Toronto, I have some of the fears that have been raised by my compatriot from Huron-Middlesex about the viability of a terminal market in the north. You have to look at the

question of what a terminal market is. A terminal is really sort of the end of a seaway or the end of a railway line, and in not too many years gone by only railway cars were allowed into terminal markets. Trucks were not permitted. It's only in recent years that they have allowed trucks in. So the concept of terminal markets very often becomes a concept of imports, products brought there by railway. Therefore, we have to ask the question of whether this is going to be set upon rail lines that would facilitate the importation of foreign—especially American and to a lesser extent Mexican—produce.

In southern Ontario it has been a benefit to have the terminal—to have a wholesale farmers' market where farmers from the surrounding areas bring their produce. They have lived together in a compatible system and this has really strengthened the hand of the Ontario producer. But you wonder if that will happen in the northern part of the province where we are limited so much by climate—not so much by soil—in the amount of produce that can be produced.

There's presently a great system of trucks, as the member has pointed out, coming down from the north to pick up Ontario products and imported products. We wonder if the net effect of this would be a lesser use of Canadian-grown or Ontario-grown products.

So we have these questions of whether or not there will be a farmers' market, the question of imports, the question of trading area and the size of population that would be served. We would hope that discussion of these points in committee could give us a number of answers. Certainly, on behalf of my riding, and I think I can speak on behalf of many of the fruit and vegetable growers of Ontario, we would certainly do all we could to help our fellow producer in the north.

**Mr. Deputy Speaker:** Before recognizing the hon. member for York South I would like to advise him that the member for Cochrane South has reserved nine minutes and that time will come about at 12:36.

**Mr. MacDonald:** That means I have about eight minutes?

**Mr. Deputy Speaker:** Right.

**Mr. MacDonald:** Good.

**Mr. Speaker,** the hon. member who introduced the bill started out by drawing attention to the fact that there had been a great deal of research done in this matter. For example, he said his Conservative riding association in Timmins had studied it—that they had gone to academics, that they had gone to wholesalers and things of that



nature. May I suggest as kindly as I can that I think that statement is, in fair measure, a bit of grandstanding.

I was interested to learn earlier this week that the main body they should have gone to to discuss this, namely the food terminal, had never been approached. It strikes me as rather remarkable they never did that. If you're going to amend the food terminal bill and you're going to extend it to include northern Ontario, I think the first people you would have discussed it with, if you were dealing with it substantively and not just as political grandstanding, would be the food terminal.

**Mr. Wildman:** They went to them last.

**Mr. MacDonald:** He went to them last, some time since I spoke with him earlier this week. There are a lot of other things in which the research has been rather thin. I'm not blaming the hon. member. He is trying to voice some of the long unmet needs of northeastern Ontario and he is looking for slogans and an appearance of coming to grips with it.

He says he's gone to the wholesalers and the wholesalers are in favour of it. Did he ask the wholesalers whether or not they were willing to pay for it so it could be self-supporting? I'll bet he didn't. And would they then have said yes, they were strongly in support of it?

He can take the figures from Stephen Rodd or others at Guelph with regard to the potential million acres up there, but has he taken into account the transportation costs that will likely be very prohibitive unless this government is willing to subsidize transportation from the north? Has he discussed it with Darcy McKeough as to whether they will subsidize transportation from the north so that they can get the products into that part of the province?

If he's going to make that land into prime agricultural land, and not just class three agricultural land, if he was to calculate the amount of subsidies that have to go in for drainage, and the upgrading of the land, I suspect it would take literally billions of dollars to turn that reserve the Minister of Agriculture and Food likes to talk about into something that could replace lost prime agricultural land in the south. So my first point is that a lot of research has gone into this but it's pretty superficial propaganda research rather than substantive research.

[12:30]

The second point is this. It is rather ironical to have this debate the day after

we had a debate in which we focused attention on the inadequacies of this government, its sins of omission primarily, as well as commission, over all of the years with regard to the development of northeastern Ontario industrially and generally economically. There was a reminder, for example, by the leader of the New Democratic Party that we have had an unending series of studies, starting in 1958, about what can and should be done in northeastern Ontario. Yet nothing has happened. When we have an emergency like Inco, the government two weeks afterwards has nothing specific to offer, other than a building which was authorized two or three years ago which it has now re-authorized.

Here today we have a government backbencher coming in and, in effect, underlining the failure of the government in what he thinks is a key, important aspect of the economy of northeastern Ontario, namely, the agricultural sector. It is very interesting indeed. We appreciate the assistance the hon. member is giving us in documenting what we were making yesterday. All the member is indicating is that the government's failure to develop the potential of northeastern Ontario is total. It includes agriculture as well as the broader aspects of the economy.

Let me come to another point. With respect to the hon. member who introduced the bill and to the hon. member for Huron-Middlesex, they talked about the fact that if there was a food terminal up there, that might provide an opportunity for marketing local produce. I suggest they are chasing something at the end of the rainbow. The hon. member for Timiskaming who sat down a moment or so ago talked about the need for having more sophistication. May I suggest the problem in the marketing of food is that we have too much sophistication already? Do you know what the sophistication ends up with, not only in northern Ontario but even in southern Ontario, Mr. Speaker? The wholesalers and the supermarkets aren't interested in buying the product that is grown locally and is available for a six or eight-week period or something of that nature. They have long-term contracts they sign for the year and they bring in the produce from the southern United States or from Mexico or from somewhere of that nature.

Let's put this proposition in the context of reality instead of wishful thinking. Even with the food terminal in southern Ontario, only 30 per cent of the produce handled is local Ontario produce. Seventy per cent of it is imported. In other words, it's a whole-



saling agency that is not really going to meet the needs, particularly of northern Ontario unless the government comes to grips with the so-called sophistication of the marketing procedures and the normal operations of the supermarkets. While I am only guessing, my guess is that if there was a branch of the food terminal in northern Ontario, there might be something like five per cent or maybe 10 per cent at the outside that would be locally grown produce, handled through the food terminal. The rest of it is going to be imported.

Something may be done—and this is why I am going to agree with everybody who has spoken up until now and will support the thing in principle—to rationalize the imports of produce so they can get it in quantity—coping with the transportation cost problem and, hopefully, reducing it—and in quality in northeastern Ontario, because in too many instances I don't think they get the kind of produce they are entitled to or of the quality that is available elsewhere.

The fourth point I want to make is that again I understand the motivations of the hon. member who wants to put it in the district of Cochrane. He comes from the district of Cochrane and, not to get a difference in the family, I can understand the hon. member for Timiskaming congratulating him and saying it's a neighbouring riding and it will help him because it's close by. But, quite frankly, I am not sure that the appropriate site for a food terminal branch, if we are going to have it, is in the district of north Cochrane. It may conceivably be, if it doesn't offend the hon. member who is now looking at me, in Timiskaming because there is presently a greater active farming community in Timiskaming.

Let me take another example up in northeastern Ontario. If the government were really trying to develop the market it might not only have provided storage, it might have provided slaughtering facilities. If it provided slaughtering facilities, far more important I think, the siting of them would be in North Bay, or in Sudbury, because the major population concentrations are there. It may be an encouragement for the beefing up of the beef industry in that area if we could have slaughtering facilities nearby.

In short, just let me conclude, we support this in principle because we think that unwittingly the hon. member has hung an argument for the development of agriculture on too narrow a base, namely a food terminal, and I don't think that food terminal is really going to develop the agricultural base. There

are far more important things that have been ignored in his research.

We agree that agriculture has been neglected in northeastern Ontario just like everything else in northeastern Ontario has been neglected. If supporting this bill in principle is going to provide us with an opportunity to take a look at the whole problem up there and come up with a solution so that northeastern Ontario won't continue to be neglected in the future as much as it has been in the past by a Tory government, we will support it.

Just as a final word, Mr. Speaker, we have done our best to give support to this because we think there is at least a core worthy of support. We wish sometimes on private members' bills and resolutions that the government members wouldn't look for any excuse to vote against something that comes from this side of the House.

Perhaps in our efforts to give them some support in meeting their problems, they might not follow the dictates of their Whips, which lash them into opposition of an idea that doesn't come from their side of the House, perhaps in the future they may support an idea that at least has a modicum of common sense in it if it emerges from this side of the House. The member's idea has a modicum, but not much more, because of the inadequate research.

**Mr. Acting Speaker:** The member for Cochrane South for nine minutes.

**Mr. Pope:** Mr. Speaker, if it would be appropriate, with the consent of the House, I would deal with my reply for eight minutes and I believe the hon. Minister for Agriculture and Food (Mr. W. Newman) has a brief word, if that's acceptable.

There were a number of points raised. First, with respect to the hon. member for York South, I don't want to get into a partisan debate on northeastern Ontario. I'll do it at another time if the hon. member wishes—

**Mr. Foulds:** You did it yesterday and you will do it again.

**Mr. Pope:** I will do it again. This is a private member's hour in which private members' bills are debated. A private member has the right to bring localized policies—

**Mr. MacDonald:** What motivated your solid support against the private member's resolution last week? Was it partisan?

**Mr. Pope:** —which he thinks are appropriate before the House. I might add that the hon. member for York South was saying that



the research was rather thin, but he didn't point out any inaccuracies in it.

The hon. member for Huron-Middlesex pointed out a couple of issues. First of all, there were not enough vegetables grown to supply the local market. I admit that is true, but again that gets into what I guess I could call a chicken-and-egg argument. In the 1920s and 1930s there were a lot of farms in production in the northeastern Ontario region. A significant portion of the population in northeastern Ontario was involved in agricultural production and the local market was being supplied by local producers.

The problem arose, for a number of reasons, in the 1940s and the 1950s, and since that time, as is indicated by any of the statistics I have, there has been a decline in the number of farmers and, therefore, in their capacity to supply the local market.

The hon. member for Huron-Middlesex also mentioned the heat unit argument. There is a debate, of course, involving heat units and daylight hours and whether or not there is a relationship between the two. I don't wish to take issue with him, other than to say that the report Professor Hoffman prepared for the Municipal Advisory Committee for Northeastern Ontario enunciated several products which he felt could be profitably grown in northeastern Ontario, including potatoes, peas, strawberries, raspberries, blueberries, parsnips, cabbages, carrots—and he goes on to list many more. He also refers to which of these products could be processed as well as marketed in northeastern Ontario, again profitably.

The other issue raised by the hon. member for Huron-Middlesex related to whether the food terminal would be self-supporting. That's a fair question to raise. I would say that the discussions I have had—and the hon. member for York South wondered if I had discussed it with anybody; I've had discussions with Jessels, Porcupine Fruit Stand, M and S of Kirkland Lake and Montemorro of Rouyn, together with the farmers' union from the Val Gagné-Monteith area—indicate that it would be self-supporting.

Those same wholesalers also indicate that they would be willing to rent premises from the Ontario government in a northern Ontario food terminal.

While I'm on the point, perhaps the hon. member for York South could inquire of the food terminal board as to whether or not it has had discussions about a northern Ontario food terminal with a Mr. Petroska and Mr. Brown in the last year and whether or

not the food terminal board was aware at that time that they were engaged in those discussions on my behalf.

The other point I want to make is about why I suggested the district of Cochrane as the location. Incidentally, we are talking about only 30 miles if hon. members are worried about the district of Timiskaming as opposed to the district of Cochrane. I have provided the hon. member for Algoma and the hon. member for Huron-Middlesex with a copy of the soil capability study, and I would refer them to it. It clearly shows, I would estimate, that about 90 per cent of the arable land in northeastern Ontario is located in the area of the district of Cochrane and district of Timiskaming.

I refer also to the Ontario Northland Transportation Commission servicing maps and the system maps for the CNR, the ONR, and the CPR. If one overlays them, one will see that from the Porquis Junction-Iroquois Falls area down to the Matheson area, there is ready access by Highway 101, Highway 11 and Highway 144, plus access to two CNR lines in proximity and the ONR spur line into Timmins as well as the main ONR line. There is also, I would submit, access to the Quebec market in rather close proximity to that location.

Those were some of the discussions. In all honesty, I had originally considered just having a general resolution calling for the establishment of a food terminal in northeastern Ontario. The reason I could not do it is because of the second substantive part of the bill, which dealt with the fact that new wholesalers could not come in; I couldn't justify that kind of a provision for all of northeastern Ontario.

**Hon. W. Newman:** Mr. Speaker, I would like to take exactly one minute to point out to some of the members opposite who have been talking about a food terminal in the north that it's a concept we appreciate and we support. We realized it was going to take a lot of time because it has to be self-sufficient. We will be certainly looking at it and we're going to endorse this bill in principle. But what I would like to say to some members opposite who don't know anything about the north is that it has a great potential and they can grow the vegetables and the crops—I could list them off here. I've been writing them down while we're sitting here. They have a great potential in the future.

**Mr. Wildman:** That's right.

**Hon. W. Newman:** I say to those members opposite, don't talk to me about the north.



The potential is there and I hope they realize that.

**Mr. MacDonald:** We have known that for years.

**Hon. W. Newman:** The hon. member for York South is the agricultural critic for his party; he should know that the potential is there.

**Mr. MacDonald:** I do know. Most of the minister's colleagues have only learned now.

**Hon. W. Newman:** Keeping in mind that a food terminal must be self-sufficient and that it would require a great deal of study to make sure that all the wholesalers and other people are interested in this, we are going to support this bill in principle. But I have to say, don't start knocking the great potential of the north. It bothers me, because there is potential there and we should recognize it.

**Mr. MacDonald:** Good for you; you have finally found out about it.

**Mr. Pope:** The hon. member for York South has never been up there.

**Mr. MacDonald:** What do you mean? I have been up there more than you have—infinity more.

[12:45]

### LIQUOR LICENCE AMENDMENT ACT

Mr. Mancini moved second reading of Bill 76, An Act to amend the Liquor Licence Act, 1975.

**Mr. Mancini:** I am certainly pleased to rise to speak on Bill 76. As you know, Mr. Speaker, this bill was introduced by myself for first reading about 10 days ago. Before I get into the main subject of this bill, let me say its purpose is not to offend my colleague, the member for Grey-Bruce (Mr. Sargent), or have him lose any of his business up there. It certainly is not to give any members of the cabinet heartburn. I am sorry if I caused them any of those problems.

At this time I would like to acknowledge the member for Brant-Oxford-Norfolk who seconded my bill. I would also like to thank Sandy Giles of the Liberal research department, who has worked very hard in helping me gather material for this bill. I would like to take one moment to reiterate what was said earlier. I feel it is very important for the private members' lottery bills to have a free vote in this House.

I can recall about a year ago the select committee of the Legislature returned from England and came back with this tremendous idea. The backbone of the private members'

lottery bills and the spirit of that backbone is for all members in this House to have a free vote. I would like to say as an ordinary back-bencher this has really added a lot to my responsibility and to the responsibility of all other back-benchers in this House. It makes the legislative process a little more interesting and a little more demanding. I am sure the members of the House will agree with what I have said about the free vote aspect.

I would like to mention I have personally canvassed as many of the individual members of this House as I possibly could, and I would like to thank them for their co-operation and for their time. I would like to say that I have had the opportunity to canvass all three government leaders of all three parties, and I wish to thank them. I especially wish to thank the Premier (Mr. Davis) who said in his usual straightforward manner that he would let me know.

**Mr. Lewis:** What about your producer, your director and your script assistant?

**Mr. Mancini:** I would like to take a minute to explain Bill 76. Bill 76 is a very straightforward document. It asks that the Liquor Licence Act, 1973, be amended. It asks that the figure 18 be stricken out, inserting in lieu thereof the figure of 19. The bill asks that this take effect on March 1, 1978. I feel it was necessary to give the alcohol industry some lead time. I also thought it was necessary not to postpone it too far into the future because I consider the matter urgent.

Thirdly, in section 1(7) we have included what we call a grandfather clause. This will give everyone who has already received the right to drink at the age of 18 the opportunity to continue to keep that right and privilege. Anyone who turns 18 on or after March 1, 1978 will not have that privilege until 19.

We checked with the Saskatchewan Legislature and we found they felt it was necessary also to include this grandfather clause and that it sincerely helped their legislation. Talking for only a moment about the Saskatchewan incident or affair, as we can call it, it was very interesting to find that in the province of Saskatchewan they have had much debate on the drinking age. They lowered their drinking age originally from 21 years down to 19. A further bill lowered it to 18. Then in September, 1976, the Saskatchewan Legislature thought it was very necessary to raise the drinking age back to 19 years old.

I have introduced this bill for two specific reasons. Firstly, I feel it is absolutely essential to remove the influence of alcohol consump-



tion from our secondary schools. Just for the information of the members of this House, I am sure they already have this information, but 97 per cent of all secondary school students are 18 years of age or under.

Secondly, I introduced this bill for the purpose of public debate on the whole issue of alcohol consumption. I believe it is very important for us to understand that we do have an alcohol consumption problem in this province of Ontario. If it were not so, I do not believe that the Ministry of Health last year would have spent a total of \$600,000 of taxpayers' money to ask people and to encourage them to moderate their consumption. So, the bill has a two-fold purpose. I think that by the debate that we have already spurred in the media it's already served its second purpose.

Just let me go back to my first point. Being only recently a graduate of a high school, I can recall some seven, eight or nine years ago what it was like. At that time the legal drinking age was 21. I can recall the peer group influence. I can recall what it was like, I'm sure a lot better possibly than—

**Mr. Lewis:** Than I can, yes.

**Mr. S. Smith:** You were the peer group influence.

**Mr. Mancini:** —the member for Scarborough West, who is the leader of the third party. I can certainly recall that. I know how important it was, having been involved in many student activities at my particular high school, General Amherst, how I felt when a school dance was successful and how I felt when we had a good turnout for a very important football game. I knew how important it was to the social fabric of that school.

Today I say this is not happening. The senior students of our secondary schools are not participating in the social functions of those secondary schools the way I believe they should, because they are being influenced by their peers and they are spending their time at house booze parties and down at the local pubs, and they are returning to the dances late in the evening and are usually a very disruptive force.

Let me say that I can recall, when I was a member of the standing resources development committee only a couple of months ago, this all-party committee had the opportunity to travel to some parts of our fine province. I can recall one evening, after we had finished hearing the submissions of different unions and different management groups, that we went down into the local pub under this fairly large hotel where we were staying. The crowd in that pub was basically very very

young. I am sure many eyes would have been opened if any kind of liquor inspector or anyone from the police department would have walked in and would have demanded IDs.

The most despicable part of over-consumption of alcohol is usually the ugly violence that follows. I can recall sitting in that lounge surrounded by many, many young people. It was getting close to closing time. The first thing you knew, four or five young fellows off to my left were ready to break bottles and chop each others' faces up. I would just like to mention that we left as soon as possible. So the ugly violence that follows young people consuming alcohol is probably the most despicable aspect of the whole situation.

I am not alone in suggesting that the drinking age should be raised to 19. Only recently a student from the Ottawa area, a young gentleman by the name of Thomas Lowden, had received a grant from the Department of National Health and Welfare and did his own study on 291 students of four different high schools in the Ottawa area. He has spoken with our research staff and he personally strongly recommends that the drinking age be raised to 19. His report says that 50 per cent of all the students interviewed frequented the pubs and drank at least once a week. And 25 per cent of the 50 per cent who drank once a week would drink during the day at lunch hour. Then they would return to the schools. I say to the members of this House, that is a practice that we have to stop.

Secondly, Dr. Reginald Smart of the Addiction Research Foundation stated on page 3 of his book, *The New Drinkers*, and I quote: "However, it would be difficult to make a strong case for changing it back to 21 again." He means the drinking age. "It will, however, be argued that raising the age to 19 may overcome the most pressing problem which involves drinking by high school students during the day."

Also in September 1977 we received the report of the select committee on highway safety. Members know this report was written by the members from all sides of the House and every member on this committee, except the hon. member for Oshawa (Mr. Breaugh) agreed the drinking age should be raised to 19 and they gave some very good statistics why. They felt, and they stated in their report, that the amount of alcohol-related incidents as far as traffic collisions were concerned had increased very substantially. I believe the figures were that in 1967 approximately 1,000 of the alcohol-



related accidents in the province of Ontario were caused by young people from 16 to 19 years of age. But as of 1974 I believe that total had risen to over 5,000. This was 37 per cent of all alcohol-related accidents in the province.

Fourthly, I have done my own survey in the great riding of Essex South. I certainly know that the hon. member for Sault Ste. Marie (Mr. Rhodes) knows that the good people of Essex South do think on their own. I can recall when he was down in my riding before the election—and he was making cabinet ministers before people were elected. It didn't work, did it?

**Hon. Mr. Rhodes:** You are wasting your time.

**Mr. Ruston:** You are the one who should stay home next time.

**Mr. Conway:** That is the kiss of death.

**Mr. Mancini:** When I put before the people of the riding of Essex South the question of whether the drinking age should be raised, 79 per cent answered yes, 19 per cent answered no, and approximately 1.5 per cent were not decided.

[1:00]

Lastly, Mr. Speaker, probably the most comprehensive and the most influential report, as far as I'm concerned, was done by the hon. member for Mississauga North (Mr. Jones), and I would like to commend the hon. member for his fine work.

**Mr. Conway:** We thought it was a cabinet appointment.

**Mr. Mancini:** Let me quote a few things from this good report. Let me quote some of the terms of reference. "To explore, document and summarize relevant data and public attitudes regarding alcohol abuse among the youth"—and this is the important part—"for the purpose of aiding the government of Ontario in formulating appropriate measures to curtail such abuse."

That's a pretty strong mandate. I would say that the member's cabinet colleagues have let him down.

On page three of the Jones report, we once again have the percentage figures for those 16 to 19 years of age involved, as drinking drivers, in traffic collisions. I've already given the House those facts.

I would now like to turn to page 10, paragraph three of the report: "In 1974, a Toronto high school study also showed that 25 per cent of those students surveyed drank as often as once a week, approximately eight per cent drink two to five times a week and 2.4 per cent drink every day." If these

figures indicate a trend, the near future could reveal problems of an immense proportion regarding alcohol abuse and subsequent treatment requirements.

Paragraph four: "Since 97 per cent of the high school student population is 18 years of age or younger, and since the act of drinking among young people is predominantly a group activity"—and that's very important—"raising the age to 19 would virtually remove legal drinking from the high schools."

But just raising the drinking age to 19 is not going to solve all the problems in the high school. I realize that and the fine member for Mississauga North realizes that.

In view of that, some major recommendations were made to cabinet, and I would have thought that these would have been undertaken. I would like to read those four major recommendations because my bill will not mean a darn—it won't mean anything—unless these recommendations are implemented by the government of Ontario.

On page 10, recommendation 8: "The Ministry of Consumer and Commercial Relations should separate the legal drinking age from the 1971 age of majority." Very straightforward.

**Mr. Acting Speaker:** The hon. member has one more minute.

**Mr. Mancini:** Fine, Mr. Speaker. I would just like to say that all the hon. members can find those recommendations in the Jones report.

I would like to conclude by saying that I ask the hon. members of this House to give serious consideration to giving this bill third reading today in the same manner as the members of the House gave third reading to the bill introduced by the good member for Wellington-Dufferin-Peel (Mr. Johnson), which concerned advertising in weekly newspapers at election time. If the hon. members of the House cannot bring themselves to bring third reading of this bill today, I would ask that the bill be sent to committee of the whole House with the promise from the Premier and his cabinet that it will be brought before the members of this House before we adjourn at Christmas.

**Mr. Riddell:** I'd like to rise on a point of privilege just to clarify one matter. The member indicated that all members on the select committee, with the exception of one, voted in favour of raising the age to 19. I would like to indicate to you, Mr. Speaker, that when a vote was taken in committee a majority of members indicated they would like to see the age raised to 19, but not all members.

**Mr. Mancini:** On the point of privilege, Mr. Speaker, I'm sorry if I've offended any mem-



bers of the committee. I withdraw my remarks.

**Mr. McClellan:** All of them?

**Mr. Davison:** I rise to offer, if I might some sober and temperate observations on the question of Bill 76. First of all, I would like to commend the member for Essex South for introducing this bill. I can see quite plainly that in his mind it will present a solution, or partial solution, to a very serious problem.

Bill 76 has now become for us the focus of a debate that is the result of six years of experience with the lower drinking age and is the result of a large number of reports and studies on the issue and concerns raised by many individuals and groups throughout our province. The debate, however, has to address itself to not one issue but three issues. The three issues are perhaps interrelated but, none the less, they are distinct.

Bill 76 addresses itself specifically to one of those issues, that is, the question of the legal drinking age. The other two issues are not contained in the bill but are rather the reasons behind the bill and its companion bill that will be coming up later. Those issues are the whole question of alcohol abuse in our society and the very serious problem of the drinking driver.

If I might put it another way, this bill seeks to limit the carnage on the highways and to combat alcohol abuse, in our high schools in particular and in our whole society in general, by raising the legal drinking age from 18 to 19. It would be helpful to members of the House if they would view the debate and the bill in that perspective. While limiting alcohol abuse and trying to stop the problems caused by the drinking driver are both worthy goals, that doesn't mean in itself that raising the drinking age is a worthy goal but rather a perceived solution for the other problems.

Whenever we as legislators consider, as we are considering today, repressive legislation, it's incumbent on us to ask ourselves if the perceived solution or the perceived good that will come about from this solution outweighs any negative aspects that could result from our decision. We have to ask ourselves are there any ways in which we can accomplish this goal.

Will Bill 76, if enacted, contribute substantially to solving alcohol-related problems in Ontario or in our high schools? Many believe it will and many believe it won't. I would like to share a couple of opinions with my fellow members in the House. In the *Kitchener-Waterloo Record* last week the Waterloo regional police chief, Syd Brown,

said that raising the drinking age would do no good.

**Mr. Lewis:** You would quote Syd Brown in this House on that side?

**Mr. Davison:** I'm sorry, I didn't see my colleague from Scarborough West in the front bench there. I thought he'd sneaked out for a coffee or something.

**Mr. Lewis:** There are limits.

**Mr. Davison:** Then our dear friend, Mr. Brown, goes on to properly identify the problem as the abuse of alcohol.

While we're on the topic of studies, we've heard about a number of studies involving alcohol and young people and the lowering of the drinking age. Could I refer the attention of the member for Essex South to a study done by the Traffic Injury Research Foundation which said: "Lowering the drinking age has no discernible impact in traffic deaths among young drivers in Alberta, Manitoba, Saskatchewan, and New Brunswick"? Finally, I bring to his attention the recent vote in the Prince Edward Island Legislature in which, by a free vote, the members decided to maintain the drinking age at 18. The Justice minister of the province said: "Prohibiting 18-year-olds from drinking is a means of finding a scapegoat and at the same time a way of allowing parents and the adult community to shrug off their responsibility in this matter."

The argument that I think has the most credibility is the argument that we will be able to remove alcohol from the high schools, from the hands of the students, by raising the drinking age, and a lot of attention is focused on the Addiction Research Foundation's 1976 survey. It's interesting to note, though, that that survey indicates that 86 per cent of high school students drink although less than 25 per cent are eligible to. From that study and from my own experiences, I can only conclude that the bill is much more likely to have the effect of criminalizing an activity that will continue to go on, rather than removing liquor from the hands of students.

I think that's a negative effect of this bill. I think there are some other negative effects. Unfortunately, some of the critics of this bill have been a bit simple-minded and have said things like, "An 18-year-old can go to war, therefore an 18-year-old should be able to drink," or they have said, "If an 18-year-old can get elected to this House, he would need to drink." Unfortunately that kind of ridicule—

**Mr. Samis:** If he didn't, he would be driven to it.



**Mr. Davison:** That's right. Those arguments serve to hide a real and serious consideration buried within, and that is this, what this bill says to 18-year-olds is, "You have shown yourselves to be irresponsible, and therefore we are going to remove the consumption of alcoholic beverages from your legal rights." If 18-year-olds are that irresponsible, then let's remove the rest of those rights that we grant with adulthood. Why should we allow those irresponsible 18-year olds to vote?

**An hon. member:** If they vote the right way it's okay.

**Mr. Davison:** Why should we allow that?

**Mr. Foulds:** Or to be Premier.

**Mr. Davison:** That's right. We should never allow that. It's a question of trust and, quite frankly, if we can't trust our young people what kind of future do we have?

**Mr. Speaker,** I want to bring two other things to your attention. In Ontario we have very strict laws governing impaired drivers, and they should be stringently enforced in this province. There should be a police crack-down on drinking drivers, and that would go a long way to reducing the numbers of accidents we have. If our laws aren't strict enough and if our penalties aren't stiff enough, then there are other jurisdictions that have stronger legislation. Let us follow their example, and let us implement that kind of legislation.

I also want to say that I would be in favour of a ban on all liquor advertising, especially that very subtle, very effective lifestyle advertising which is used so cleverly by the liquor industry. I think that would be a positive step and I think it would be a lot more effective in solving the real problem than raising the drinking age to 19.

In conclusion, the bill is, at its best, going to be of limited assistance in reducing alcohol abuse and drinking-driving. It shows what I feel is an unfortunate lack of trust in young adults and I believe it's a poor excuse for the kind of legislation we need to effectively combat the harmful effects of alcohol.

**Mr. Jones:** Mr. Speaker—

**Mr. Lewis:** I want to support this bill. Don't you deter me. You just be careful.

**Mr. Jones:** I join in the debate, Mr. Speaker, with a sincere recognition of the importance of the legislation proposed by the member for Essex South known as Bill 76. As I listened to the most recent remarks of the member for Hamilton Centre I sort of noticed the type of debate that unfortunately is tend-

ing to swirl around the purpose of this bill as proposed to the House.

Some of the discussions I consider to be irrelevant, such as the argument about people being qualified to serve their country in war. How long has it been since the young people of this province have been called to go to war?

[1:15]

Then there's the talk about the fact that young people have the right under the age of majority to vote and hold seats in this House. Indeed that's true, but I would just suggest to the member that it strikes me there's a very great difference.

If some were irresponsible in their voting—voting for the wrong person, I suppose, could have some harmful effects—but they don't become alcoholics, they don't kill themselves and they don't kill others. This is the heart of the issue, as I address the member's bill today.

I fully understand also that the problems of alcohol are not peculiar to the young people; they are but a part of an overall problem affecting all the many age groups. We recognized that in our report from the very outset in the studies that we did in the Youth Secretariat for the advice of government. I believe, though, as we debate this issue, it is important to remember that as legislators we have the responsibility to make our decisions based on those conditions that prevail today, not as they prevailed in 1971 when the age of majority was lowered and thus the reduction of the legal drinking age took effect. This House legislated in good faith then, and they must legislate in good faith now.

There are three major considerations, to my mind, as we approach this decision. I would ask that the members not let them be out of their minds as they approach this crucial decision today.

We know from the most recent study of the highway safety select committee that alcohol-related accidents is the largest single killer of young people under 25 in this province today. We can also look at consumption rates, and I am not going to bandy around a host of statistics, but the fact is that they are all on the increase. They have skyrocketed with young people.

Paramount, thirdly, I believe the effect—yes in our high schools, but indeed at even younger ages than that—the rippling effect so-called—has occurred since the age was reduced. Now younger and younger people are getting into very real problems with alcohol. Talking with ARF and other agencies that advises us, one of the most shocking



statistics to my mind is the fact that no less than 16 per cent of the young people in our high school system in a study done in February 1977 were found to be drunk in the previous month.

**Mr. Lewis:** It says a lot about the school system as well—the stimulation and creativity of the school system. Yes, it's wonderful.

**Mr. Jones:** We were looking at the school system, and given some 613 young people in that system, that gives us a figure in excess of 100,000. Add to that the potential for tragedy of young people mixing drinking with their driving—as indeed do the other age groups, but particularly the young people as new drivers. I recognize that social pressures are complex for young people, perhaps as never before in our history.

In the Youth Secretariat a part of our study dealt with the pressures of future job insecurity, et cetera, and I know these concerns are very real. I would remind the member for Essex South, as he touched on the report that I had the privilege of presenting, that he should also look at the early stages of the report. There we made a statement that the Youth Secretariat of this government intends “to determine and develop many new initiatives focusing mainly on endeavours in the field of unemployment, career guidance and development, to help improve some of the basic causes that so often are manifesting themselves in young people being involved with alcohol.”

I see the Treasurer (Mr. McKeough) here in the front row, and I don't know how he is going to vote on this occasion—

**Mr. Lewis:** Oh, yes you do. He will vote against the bill. He has got some principle. He is a principled fellow. He is not like I am—

**Mr. Turner:** Just as well.

**Mr. Jones:** —but he was the man who introduced in the last budget no less than \$68 million of initiatives for young people addressing themselves to their concern about jobs and the need for experience as they look forward to that transition from school to work.

I am constantly amazed about how many people seem to forget just what this peer pressure, that is so often referred to in this debate, consists of and how it fits in with the proposal by this bill as it affects age. There probably is no ideal age, I would think. However, this has to be the one best suited for serving the purpose of helping alleviate alcohol consumption, as it curbs availability in the high school system. You will remember, as when we discussed the change of age in

that Youth Secretariat report, there were also 32 recommendations. The age, as has been mentioned by other speakers, was but one recommendation. In answer to a couple of the comments I've heard, I can tell you that the government has initiated certain actions in and attaching to these proposals.

It started with some of the early policy decisions that have come forward. I need only mention such things as the baseball issue and the fact that the government obviously saw some of the effects it would have as it led on into young people's activities, in other parts of their social and, of course, their sporting activity.

**Mr. Conway:** Very selective judgement.

**Mr. Jones:** We have never said, from the first, in our report or recommendations that age in itself was a silver bullet and a cure-all to the very real problems that young people are having with alcohol.

But some progress is being made, including recommendations to introduce a probationary rather than a full licence to those between the legal drinking and driving ages, which the appropriate minister has brought forward to this House; the proposal to include photographic identification on driver's licences which, to my mind, will have to come; and the action by the then Minister of Consumer and Commercial Relations to bring about the age-of-majority card—the only recognized evidence of age—for the purchase of alcohol at all outlets, has had an effect. From 3,000 cards in circulation, no fewer than some 80,000 have come about. To my mind, that's important in concert with the increase of age that we're talking about in this debate.

All the actions that we must consider need to be done in a very real, sober, reflective and responsible way. In my opinion, the knitting together of each of the various recommendations to strike that proper balance will give the maximum benefit to young people in helping with their alcohol problem as it relates to them. In each of these areas, and I say this scanning over the many recommendations and being familiar with how the government is moving on many—and yes, indeed, there are more that require our attention—there is a complex network of factors going back to the social problems of young people, indeed, in our society as a whole.

But as I said at the outset, given again the problems of today and the involvement of very negative things and the effect they can have on young people, and given what we want for these young people—who are, in my opinion, the most precious natural re-



source of this province—I'm urging my colleagues in this House to support this bill; I also say this in the context of being an advocate of youth in this province. I want them to have their focus straight, their attention unwavering so that they can attain their goals—with the assistance of the government—and overcome some of the unique pressures that exist for them today.

I believe, through today's debate, we can add one extra year—and a very crucial extra year—in which young people can accentuate the positive future that awaits them, and relieve a lot of that pressure and potential disaster that abuse of alcohol can bring to them in today's demanding society.

I will be supporting this bill, urging my colleagues to reflect most soberly and to recognize, as other speakers have said—

**Mr. Speaker:** The hon. member's time has expired.

**Mr. Jones:** —that we must continue to push for this whole package of recommendations that the government has in front of it.

**Mr. Nixon:** Mr. Speaker, I was Leader of the Opposition in 1971 when this House voted, without any significant objection, to support the government initiative to lower the drinking age to 18. I was convinced then that it was the right thing to do. For that reason, I have had to consider very carefully my own personal position as I looked at the facts and figures associated with the result of that decision, and I am now prepared to support the motion put forward by my colleague from Essex South.

My conversion to that point of view took place in the select committee on highway safety when we were visited by a delegation from the Addiction Research Foundation headed by the chairman of a committee, Dr. Reginald Smart. The most vocal proponent of changing the drinking age was Dr. Paul Whitehead. In his researches, and in stating them to the committee he convinced me that a mistake had been made in 1971 and that we should not only rectify it but that we should do it without delay.

It is not my intention to quote from their report extensively, but just two paragraphs from the part that concerned me most deeply. I quote from page 13 of the submission to the committee by the Addiction Research Foundation:

"Extrapolating these figures to all of Ontario, we find that 4,450 automobile collisions would not have occurred in Ontario between August 1971 and July 1972 had the drinking age not been lowered. Other researchers have estimated that 28 persons would not have

died in automobile crashes between August 1971 and July 1972 had the drinking age not been lowered. Our data suggest that the cost in lives is greater in succeeding years."

When these people said that to our committee, I realized that I could no longer justify keeping the drinking age at 18. These people were not basing their arguments on anything but the statistical researches which we fund from this House and which we have funded over a number of years.

The Addiction Research Foundation is a world-class organization. As people concerned with highway safety visited our committee, they always referred to that foundation as the kind of facility that they wished they had in their jurisdiction. Well, we have it here, and we have been paying large sums of money to pay for its research and to get its advice.

Frankly, I have objected in the past that their advice seemed to be equivocal. But on this it is quite clear. They were saying that this law is killing young people and that the rate at which its depredations are exerted in the community is increasing and will continue to increase.

It is for this reason, as I have indicated, that my views are in support of the motion. But I am not so naive as to think that the passage of this bill will solve the problems; of course, none of us would be so naive. I would hope, however, that the members of this House who are coming in gradually to take part in the debate and take part in the vote, which we will have shortly, will do so on a basis of conscience, with the understanding that something more than a vote of this House is necessary: if we decide to go forward with raising the drinking age, we should not delay it in any significant way.

I believe the age should be raised. There is some argument as to whether it should be 19 or 20. As we know, the hon. member for Middlesex (Mr. Eaton) has another bill before the House which would raise it to 20. The only argument for raising it to 20, in my view, involves the high-school situation. The report from the Addiction Research Foundation states—this is the only other quote that I want to give you from the report, Mr. Speaker; and I quote from page 14: "The lowering of the drinking age made the secondary school the prime link between licit and illicit drinkers." We can understand that. I don't have to explain it; I believe that is true.

For that reason, the second aspect of any program to reduce the terrible problems with drinking in general, and particularly in this age group, should lie with getting it out of the high schools if possible. For that reason,



I suppose serious consideration must be given to raising it to 20, not just 19. I believe that 19 would be sufficient; anything higher than that would mean we would simply be increasing the number of people drinking illicitly rather than coming to grips with the problem as we face it. But I am sure other people have other opinions than that.

[1:30]

It could be that a program—which the government undoubtedly is considering and may, in fact, be announcing some time in the near future—must have, as probably the second basis of its goal, to remove drinking from the high schools wherever it is possible. It is here that the connection with the very young people, under 18 down to 12 probably, takes place. If we can use the powers that are at our disposal, then surely we can accomplish something in that regard.

My colleague from Essex South said when this bill is approved—and I trust it will be or something very close to it—we must have a package that is entered into by a number of government ministries at the behest of this House, representing the people of the province. Raising the drinking age is simply the first step to correct mistakes that have been made in the past. The second must be to reinforce the proof of age regulations that we presently have. I think they are effective but they must be reinforced in every way we can through inspection and through the control we have over the retail outlets.

I also believe, and I have stated it in this House now for a number of years, that we can, through the powers that we have, remove the pressures from advertising, particularly television beer advertising, which are impinging on young people more and more. I have heard the arguments put by the advertising lobby that this has never been shown to increase drinking but simply to adjust brand performance. I cannot accept that. I think that that is a most cynical approach to this problem. We, as a Legislature, must take strong steps to remove that unjustifiable pressure from the advertising media, particularly on young people. We normally call it the quality-of-life style of advertising. This is surely the third step.

The fourth one is perhaps less clear and definite. I believe we can use our school systems much more effectively than we have in the past to assist the young people—and we are giving them now an extra year to make up their minds—on what modern drinking actually can be. It does not necessarily have to have the depredations in the com-

munity and in the young people that we have seen it does have. A properly constructed curriculum, something that is going to be used in every school and with all of our young people, should be the fourth part of an initiative taken by members in this House to attempt to control a situation that has largely got out of hand.

I close with one last quote from the report to the highway safety committee, on page 12: "We find the following increases in alcohol-related collisions among young male drivers. Alcohol-related collisions increased 162 per cent among 16- and 17-year-olds"—illicit drinkers—"339 per cent among 18-year-olds; 346 per cent among 19-year-olds, and 156 per cent among 20-year-olds. These increases are in marked contrast to the increase of only 20 per cent experienced by 24-year-olds, a category of people not affected by the change in the drinking age."

In summation, I say the statistics provided by the foundation have made it clear that a mistake was made in 1971 and that we can correct it, at least in part, by adopting the bill before us or something close to it. The bill before us, I think, contains the provisions which are fairest and most reasonable in this connection. Beyond that, a package of programs, regulations and intentions must form the policies, not just of the government but of every member of this House speaking for the whole community.

**Mr. Young:** As I rise to take part in this debate, I realize it is a difficult and very vexed subject, as there are those on both sides of the issue who feel very strongly and who talk in terms of saving life or saving civil rights. There are people with divergent points of view but all, I think, with sincere motivation. Some of us in this party believe this bill should be passed and others that it should not. So we have a division here, as we have, I think, in nearly all parties. But the fact is that the present problem arises right out of the attitudes of society itself.

Do the members remember, during the sixties, we had a real problem with the drug culture? Young people were getting high on all kinds of things. They still are to some extent, but in those days it was a very serious problem. We railed against that and we tried our best to find a way out of it. Finally what we did, I think, was to persuade them as a society that they should drop their drugs for the adult drug of alcohol, which they did with great enthusiasm. Then we lowered the drinking age from 21 to 18, and as a result of that we have a problem which became horrendous in this province and



right around the world when this sort of thing happened.

I have in my hand a very definitive study which was done just after the first year of the lowered drinking age in several jurisdictions. This was published in the *Journal of Legal Studies*, in the University of Chicago Law School, done by several people, one of whom, Leon S. Robertson, some of us have met in the Institute of Highway Safety. This research looked into border states and Ontario, three of which had lowered the drinking age and three of which had not.

I just want to read two or three excerpts. "In the total number of drivers 15 to 17 and 18 to 20 involved in fatal crashes, the statistics rise and fall rather inconsistently in the three years prior to lowering the drinking age. After the law was changed, in both the 15-to-17 and 18-to-20-year-old groups it rose consistently." Then in the night-time and single vehicle crashes, again the proportions show inconsistency in the years just before the decrease in the age, but increased consistently after the change, and that rather sharply. Again in the single vehicle fatal crashes, the proportions involving 18- to 20-year-olds in law-changed states increased significantly, concurrently with the reduction in the legal drinking age in those states.

The conclusion of this study is this, that in this finding in a comparison before and after, the increase in accidents and death occurred not only among the 18- to 20-year-olds to whom the law change applied, but also to a somewhat lesser degree among the 15- to 17-year-olds when alcohol became available legally in the 18-to-20-year-old group. So they say that there can be little doubt that reducing the legal minimum drinking age in a society carries a price-increased fatal motor vehicle collisions.

That was up to the end of 1972. But as we all know at that time, according to all our investigations, the number of crashes involving drinking teenagers and the death rate among those people took off dramatically after that period, and now stands at 37 per cent of all accidents and is increasing at a very great rate.

What I want to say today is, as has already been emphasized, lowering or raising the drinking age does not have as much effect as we might think. But we do say—this is my point of view—that we should now raise it to 19, and along with that should come the package that has already been mentioned by at least two of the members here today.

This is only part of it. We must, of course, get rid of this slick advertising. I don't think

any of us realized, when we lowered the age to 18, that the industry concerned with the sale and use of alcohol would move in in such a dramatic way as it did and, through the skilful lifestyle advertising, brainwash not only the teenagers but every youngster who is watching television.

This industry was building up in a whole generation an attitude that only by the use of alcohol could happiness, good times, all that's good in life, be attained, and the two became linked irrevocably in so many of our young people. When the time came when they could legally drink, and even before it, they were reaching out for that joy-giver, that happiness-broker, which was promising to them the great quality which life could give them. That has to be one of the steps that has to be taken.

The probationary licence which has been spoken about is essential. Let our new drivers earn their right to solo, to get a permanent licence. They need careful supervision during that period—supervision, as I said before in this House, which is sympathetic but which is tough, so that we have some assurance when they get their licences that they know how to drive and drive well.

Along with that should be a very intense stepping up of our driver instruction and the training of our driver instructors, as well as, in the third place, a very tough test at the provincial level when these people come to sit those tests.

Then I think our law enforcement agents have to do the thing which has been recommended by the select committee on highway safety: young people who are caught driving under the legal age should have the licence suspended for at least three months and then their probationary period extended perhaps by another year if the court so decides. In other words, there has to be a tough enforcement of that law.

Also, we must have the equipment in the hands of the police, the ALERT devices, the breathalysers, which can, on proper occasions, rule the person off the road when he does not have the full 0.08 blood alcohol content but he becomes dangerous, so the police with these devices can prevent an accident occurring. We think this is a vital part of this whole business.

The high incidence of drinking is from Friday evening sundown until Sunday morning some time—2 or 3 o'clock in the morning. That's the period when police forces should be out there and when there should be much more careful supervision, along with the ID cards, in the drinking locations, so that young people leaving the taverns are apprehended



before they get out there and cause the difficulty.

I know that it's not only young people who cause accidents, but don't forget this—and this I want to stress—we give the young person the chance to drive at 16 and then a chance to use alcohol at 18. Unfortunately, starting at 16, his accident rate does not drop until it is down to the average until about 20, but it does drop significantly from 18 to 19. He's much more mature at 19. He can't handle the alcohol as well at 18 as he can at 19 perhaps, that's true, but also he can handle the motor car much better at 19 than he can at 18.

**Mr. Eaton:** Mr. Speaker, I rise to support the principle of the bill of the member for Essex South, and that's the principle of raising the age at which a person can legally drink alcoholic beverages.

[1:45]

As you know, as was mentioned by the member for Brant-Oxford-Norfolk, I've introduced a bill suggesting the age should be 20.

My reason for doing this is an attempt to get the legal drinking of alcohol beverages out of the high schools. I know there are many who feel that raising the age to 19 will accomplish that, but if one follows the natural course of events through school to grade 13, there are many students who turned 19 between January 1 and the time they graduate in the grade-13 year.

I will therefore move an amendment to the bill in committee to bring about a vote on the age of 20 and give the members of the House the opportunity to vote on that age at the same time.

**Mr. Riddell:** Maybe we could do away with grade 13, though.

**Mr. Eaton:** My reason for going to 20 is not just to deprive those in that 18- and 19-year group the privilege of being allowed to drink alcoholic beverages, but it's to try to make it less available to those younger people who are getting it illegally. If those in the 18- and 19-year-old group can get it legally then, naturally, it's going to come in contact with the younger ages because of parties, et cetera, that they will be involved in together. The peer pressures to share with their friends under those circumstances are tremendous. I think this will remove that temptation.

Let us not kid ourselves. Some will still get alcoholic beverages illegally as they have always done, but I assure the House the incidence will be less. The fact that they still want to get it and will get it, I think, points out a far greater complexity of problems that we must face.

Many recognize there are other problems and are calling for action. The vast majority of people are calling for action simply by raising the drinking age. I believe we must address ourselves to some of the other complexities, the whys of the desire of the young people to want to drink illegally. Perhaps it's the lifestyle advertising that's been mentioned. I think we should take a look at it and see how we can control it. In fact, maybe it's more than just the advertising. It's been mentioned that if you watch some of the TV programs carefully, it's a normal thing to see a reference made during the program, "Let's have a drink."

**Mr. Speaker:** Order. The hon. member has one minute.

**Mr. Eaton:** The fact that some will knowingly provide alcoholic beverages points up a need to look at the penalties, to look at the enforcement and, probably, to look at the educational end of it. I know we have had much support to increase it to 20. The support comes from the school boards. I think they can take a role in the educational part of it.

In regard to the total area of alcohol, we must review many of the things involved, perhaps the age of majority. Those students who are responsible and who have handled the situation do not seem to object to the age being raised, and perhaps even the age of majority too. So I therefore ask you to support this bill, to support the amendment which I will put to it in committee, and to join together to get on with dealing with the other problems associated with it.

**Mr. Speaker:** There are two items of business before us at the present time.

Mr. Pope moved second reading of Bill 82, An Act to amend the Ontario Food Terminal Act.

All those in favour of the motion will please say "aye." All those opposed will please say "nay."

In my opinion, the ayes have it.

Motion agreed to.

Ordered for committee of the whole House.

**Mr. Speaker:** I understand from the course of the debate that the pattern of voting on Bill 76 will not follow party lines. Therefore, I propose to alter our system of voting somewhat. As I put the last question, I will ask all members who are in favour of the motion or who are opposed to the motion to rise together and remain standing until the Clerk has called their names. It is my hope that this will avoid the possibility of confusion.



The House divided on the motion for second reading of Bill 76, An Act to amend the Liquor Licence Act, which was approved on the following vote:

## AYES

## NAYS

Ashe  
Auld  
Baetz  
Bennett  
Bernier  
Bolan  
Bounsall  
Bradley  
Campbell  
Conway  
Cooke  
Cureatz  
Deans  
Drea  
Eakins  
Eaton  
Edighoffer  
Elgie  
Epp  
Gregory  
Grossman  
Hall  
Hennessy  
Hodgson  
Johnson  
Jones  
Kennedy  
Kerrio  
Lane  
Lawlor  
Leluk  
Lewis  
MacBeth  
MacDonald  
Mackenzie  
Maack  
Makarchuk  
Mancini  
McCaffrey  
McCague  
McGuigan  
McKessock  
McNeil  
Miller, G. I.  
Miller, F. S.  
Newman, W.  
Newman, B.  
Nixon  
Norton  
O'Neil  
Parrott  
Peterson  
Philip  
Reed  
Reid

Birch  
Breagh  
Breithaupt  
Bryden  
Cassidy  
Charlton  
Cunningham  
Davidson  
Davison  
di Santo  
Dukszta  
Foulds  
Germa  
Grande  
Havrot  
Kerr  
Lupusella  
McClellan  
McKeough  
Pope  
Rhodes  
Riddell  
Samis  
Smith, S.  
Snow  
Stong  
Warner  
Welch  
Wells

## AYES

Rotenberg  
Rowe  
Ruston  
Smith, G. E.  
Stephenson  
Swart  
Sweeney  
Taylor, J. A.  
Taylor, G.  
Turner  
Van Horne  
Walker  
Williams  
Worton  
Yakabuski  
Young  
Ziemba

Ayes 72; nays 29.

Mr. Speaker: I declare the motion carried.

Ordered for third reading.

## BUSINESS OF THE HOUSE

Mr. Speaker: Before the House adjourns for what I know will be a busy, but I hope a reflective, weekend for all members, may I draw to the attention of members concerned that all committee chairmen, the House leaders and whips are requested to meet with me in committee room 1 at 11:30 a.m. Monday morning to discuss the business of the House? I hope all of those mentioned will make themselves available.

Hon. Mr. Welch: Mr. Speaker, prior to the adjournment, may I now take this opportunity to discuss the business of the House for next week?

Tomorrow being the day of remembrance, we will pause to reflect upon the significance of those events.

Next week, in addition to the committee meetings which are well advertised on the notice board, perhaps we could go directly to the legislative program for next Tuesday, when we will do Bill 99, Bill 98 and Bill 70. If the House has dealt with those three pieces of legislation and time remains, it is understood we will then revert to the first order and discuss the budgetary policy of the government.

On Thursday afternoon, private members' business will include the bill standing in the name of the member for Scarborough West (Mr. Lewis) and the member for Durham East (Mr. Cureatz). The House sits, of course, Monday, Tuesday and Thursday evenings.

On motion by Hon. Mr. Welch, the House adjourned at 2 p.m.

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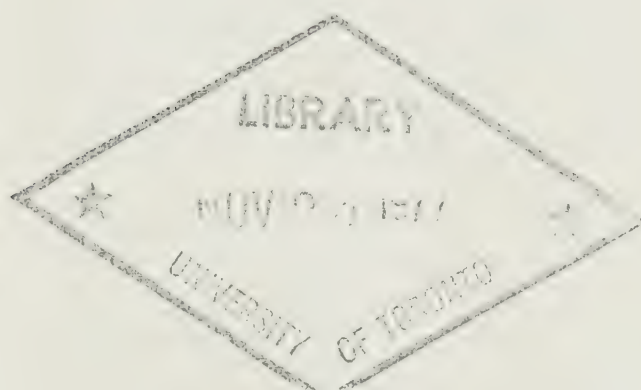




No. 48

# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Monday, November 14, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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## LEGISLATURE OF ONTARIO

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MONDAY, NOVEMBER 14, 1977

The House met at 2 p.m.

Prayers.

**Mr. S. Smith:** I will withhold my questions until the ministers arrive, Mr. Speaker.

**Mr. Lewis:** That sounds pretty good.

**Mr. Kerrio:** I think we're wearing them down.

**Mr. Nixon:** Maybe we ought to adjourn for a little while.

### ORAL QUESTIONS

#### USE OF MEDICAL DATA

**Mr. S. Smith:** Mr. Speaker, the Minister of Health has arrived in the House and I could direct a question to him.

Could the minister tell us whether he has any information to announce concerning today's story in the *Globe and Mail* about RCMP alleged access to and alleged use of OHIP data? Can he give us any indication of how such information might have been obtained, if indeed it has been obtained?

**Hon. Mr. Timbrell:** Mr. Speaker, I intend to discuss this with the Attorney General (Mr. McMurtry) who, as you know, is the contact on such matters relating to the RCMP. But, from the information in this morning's paper, it is difficult to be certain of the period which is being discussed. If it were pre-1972, then of course that is pre-OHIP. It could go back to the days when a good portion, if not the lion's share, of the claims being processed in the province were, in fact, being processed by private carriers. In effect, what I am saying is the report is so skimpy in detail that it is difficult to know in any precise way what it is they are saying, but I will be taking it up with the Attorney General.

**Mr. S. Smith:** By way of supplementary, Mr. Speaker, again I would have asked this of the Attorney General had he been here:

Is the minister able to tell us whether his investigation, or the Attorney General's investigation, includes the ministry procedures by which information on psychiatric patients is sent to Statistics Canada, particularly those procedures in which, as the minister knows,

OHIP numbers are taken from the admission and discharge records of persons in psychiatric units in general hospitals and actually sent, unscrambled, to Stats Canada, and until this year, the first 10 letters of the surname and the initials were also sent? Can the minister assure us, or can he look into, whether or not these procedures have been in some way responsible for the availability of information at Stats Canada, and whether it is that information which perhaps, among others, the RCMP has been able to get hold of?

**Hon. Mr. Timbrell:** I think, Mr. Speaker, if that were the case, it would have been reported. But let me refer you—perhaps one of your staff can get it for you—to the submission which we made to the commission on privacy in July of this year wherein we indicated that for the purposes of statistical collection and dissemination, we are very careful not to transmit to Stats Canada any information by which the identity of the individual can be determined. I'm talking about current. I can't talk about previous. I'll only account for my own activities, but I think this has been the case, really, since quite a number of years into my predecessor's time.

**Mr. Lewis:** Supplementary: May I ask the minister what has happened to the inquiry or investigation or whatever it might be called which he launched into the apparent running through the OHIP computer, as a joke, of the identification of given diseases and the people who had been treated for them which would then be matched and obviously available for reasons analogous to those allegedly used by the RCMP?

**Hon. Mr. Timbrell:** Mr. Speaker, this is going back to last winter. The allegation, as I recall it, was that the VD file had been run on a weekend by some unauthorized person. I believe that was the allegation. My staff has checked the files all the way back through last winter and particularly for weekends, because that was the allegation. We can find no indication of unauthorized access to the VD information. The 50 million files of OHIP, and there are 50 million files on the tape, are being scrutinized. As well, we have the Ontario Provincial Police involved to assist in the investigation.

I indicated at the time that we would bring in outside computer security experts as required, and this we will do—

**Mr. Lewis:** But the minister hasn't done it yet?

**Hon. Mr. Timbrell:** —I don't believe we've got them on the job yet. I could be wrong on that, but I don't believe they are on the job yet—to try to pinpoint whether or not it did happen, and if so, how. First of all, if we can pinpoint who, if it has happened, we can take corrective action in that regard, and also as far as the system is concerned.

May I say that, given the concern I have about the VD program, and I think we all share this, we've got a long way to go in developing confidence among the people affected, particularly among the certain young groups affected. I almost hope that something did happen, because with all this hubbub it would be a shame if we found out that it did not happen, in fact, and that we have, through this process, discouraged people from coming forward and naming contacts and so forth.

**Mr. Roy:** I wonder if I could ask the minister if he will confirm, as Minister of Health, first of all, that any information, records and so on accumulated by his ministry is confidential, and under provincial statute it is not permissible to release any of this information, except for specific purposes? Secondly, can he assure the House as Minister of Health that this type of information is not released to any police agencies as a matter of routine, whether it be the RCMP or anybody else?

**Hon. Mr. Timbrell:** I can certainly confirm the former, and as regards the latter, my understanding of the statute and the advice of legal counsel in the ministry is that there are no provisions to release routinely, as the member says, any such information to any law agency.

**Mr. Roy:** Could I ask this further supplementary: Could the minister also give the House an assurance that there are no so-called paid informers within his ministry who are releasing this information?

**Hon. Mr. Timbrell:** I wish I could say that, but one never knows what individuals are up to. One only has to look at the flow of brown envelopes. As a matter of fact, a review of the security systems in OHIP had begun some time before the initial allegation appeared in the Toronto Globe and Mail as regards the venereal disease files, and we are constantly reviewing them and trying, wherever possible, to update them to ensure that, even given oaths of confidence, oaths of

loyalty and so forth, we have a reasonable set of checks and balances to ensure that information does not get out.

**Mr. Speaker:** The Leader of the Opposition.

**Mr. S. Smith:** I don't know if we have any information as to whether the Attorney General will be returning later. The House leader says he will be. I'll wait for him. Thank you. I'll come back in the rotation later.

**Mr. Speaker:** The hon. Leader of the Opposition—the New Democratic Party.

**Mr. Lewis:** The New Democratic Party. You remember that party, Mr. Speaker. You have had a certain casual relationship with it from time to time yourself, sir.

**Hon. Mr. Welch:** He's trying to forget it.

**Mr. Lewis:** He's not doing badly.

#### FIBREGLASS EXPOSURE

**Mr. Lewis:** May I ask the Minister of Labour if she has read the observations by Dr. Samuel Epstein about the dangers of exposure to fibreglass and the suggestion that it may turn out to be every bit as hazardous as asbestos on the testing we've done so far? Can I ask the minister, have we done any testing in the province of Ontario? Have we any sense of the number of workers who may be exposed to the substance?

**Hon. B. Stephenson:** Mr. Speaker, to my knowledge we have not done any specific testing within the government in the province of Ontario. I am not sure that there has not been some carried on through at least one of the educational institutions, but that I would have to check.

Yes, I have read Dr. Epstein's remarks. I was aware of this concern about two years ago, and there has been a study launched in the United States of a rather massive size, which is investigating those workers who have been directly involved with the use of fibreglass, in insulation particularly, which is ongoing at this time and the results of that have not as yet been published.

**Mr. Lewis:** By way of supplementary, is the minister satisfied that whatever standards have been set in the province of Ontario are being tightly monitored and met? Or have we a threshold limit value which we impose at least as a guideline?

**Hon. B. Stephenson:** I'm not sure of that, Mr. Speaker. I will have to check to be sure.

**Mr. Lewis:** Mr. Speaker, I too would like to wait for either the Attorney General or the Solicitor General.



## OHIP OFFICE CLOSURE

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of Health. In the light of the fact that the Windsor OHIP office was considered the second most efficient and most productive of all OHIP offices in Ontario, and also that it was the birthplace of prepaid health insurance in North America—

**Hon. B. Stephenson:** Oh no it wasn't; AMS was.

**Mr. B. Newman:** —how does the minister rationalize the closing of that office?

[2:15]

**Hon. Mr. Timbrell:** Mr. Speaker, if the hon. member would look at the information which was released, it's a simple matter that the London office has the capacity in terms of space and equipment to do the job for the Windsor area as well, whereas the reverse wasn't true. As the hon. member knows, a number of the staff at present employed in Windsor have been offered positions in London—

**Mr. B. Newman:** Not yet.

**Hon. Mr. Timbrell:** —or will be, to take up the slack. It is a straight cost-saving measure.

**Mr. B. Newman:** Supplementary, Mr. Speaker, if I may: Did the minister consult with the Windsor and Essex county district health council before he arrived at a decision, or did he bypass the health council?

**Hon. Mr. Timbrell:** Mr. Speaker, this is one of the few things that would not come under the purview of any district health council. It's a straight administrative matter of the ministry.

**Mr. Cooke:** I would like to ask the minister if he consulted with the union and the management involved, and if he didn't, why didn't he consult with these people before he made his decision? Secondly, I'd like to ask the minister if he took into consideration the decrease in the service that will no doubt happen through this centralization of service. We all know what happened when the Workmen's Compensation Board was centralized, and that's exactly what we're afraid of happening here.

**Hon. Mr. Timbrell:** If it were the case that we were talking about closing all of the, what is it, 10 regional offices of OHIP—

**Mr. B. Newman:** You would save more money that way.

**Hon. Mr. Timbrell:** —that would certainly lead to the analogy with the WCB which the member is trying to portray. That's not

the case at all. In fact, I have every reason to believe the opposite with regard to the allegation that the service will decrease. Given the distances involved and given the capacity already present in the London office, I have no reason to believe that the service to the individual patient, person, or to the practitioners will decrease. We will maintain the office with a small staff—I think it's five—to continue to disseminate information to both the public and practitioners, but there's no reason to believe that the service will diminish.

The head of the human relations branch did contact the union prior to the announcement going out. The hon. member is quite right in that there was not a consultation in the sense of saying, "What do you think? Should we do it?" The answer to that would be obvious. This is a matter in which the ministry is responsible for ensuring that wherever possible it restrain its spending. In addition to fairly significant reductions in staff over the last two or three years, mainly through attrition, we are looking at every branch of the ministry to see if we can't find other ways to save money and also maintain service.

**Mr. Mancini:** Supplementary, Mr. Speaker: I wonder if the minister could table in the House information concerning the number of staff in London who handled 4.8 million claims as compared to the number of staff in Windsor who handled two million claims; and where he is going to save the \$500,000? Finally, how does this centralization program compare with the decentralization program that the minister announced just before the election when he shipped all those jobs out to Kingston?

**Mr. McEwen:** They're not at Kingston yet.

**Hon. Mr. Timbrell:** Neither has the member for Frontenac-Addington been there recently.

**Mr. Wildman:** That would add a lot!

**Hon. Mr. Timbrell:** The decentralization is still in effect. We are not pulling that back into Toronto or indicating that it will go to Kingston when the OHIP headquarters moves there in the next three years. It is still decentralized in southwestern Ontario. I missed part of the hon. member's question, but I'll pick it up from Hansard and give the member the information.

**Mr. Speaker:** One final supplementary, the hon. member for Essex North.

**Mr. Ruston:** How can the minister rationalize the closing of one of the most efficient



offices when he has the staff and the manager from Windsor Medical, the founder of Medicare in Canada?

**Mr. Martel:** The CCF did that.

**Mr. Ruston:** It's the most efficient office the minister has and he closes it. He's got to be stupid.

**Hon. Mr. Timbrell:** You don't have to be, but some days it helps.

I indicated earlier, Mr. Speaker, that the London office has the capacity, in terms of space and machinery, to absorb the workload and the number of people who will be offered jobs from Windsor to go to London, whereas the reverse isn't the case—

**Mr. Nixon:** Even Frank Miller didn't do that.

**Hon. Mr. Timbrell:** —and the communication lines are such that it would be better, if we're going to try to save money, to pull back into London for southwestern Ontario rather than having the two.

**Mr. B. Newman:** What have you got against Windsor?

**Hon. Mr. Timbrell:** Nothing.

#### USE OF INFLUENCE

**Mr. S. Smith:** If I may, Mr. Speaker, reverting to my question of the Attorney General, was he quoted correctly in the Toronto Star when he allegedly said: "Obviously we were seriously contemplating the laying of criminal charges against Armstrong"? Did he have the evidence at that time that Mr. Armstrong had requested payment of \$25,000 for what he told Mr. Davies were—and I quote again from that paper—"the savings made because you were able to proceed so much earlier than you originally had anticipated"? If so, if he did have that evidence, why did he not lay charges under section 110(1)(d) of the Criminal Code?

**Hon. Mr. McMurtry:** Mr. Speaker, this decision was made prior to my arrival in the office of the Attorney General but I'm relatively familiar with the file on the matter. The matter of charges was reviewed by most of the senior law officers in the criminal division of the Ministry of the Attorney General at 18 King Street East. It was their considered opinion not to lay charges.

I don't have their opinion in front of me at the moment, and I'm not going to attempt to trust my memory to paraphrase it, but I was satisfied, given the individuals who reviewed it separately. It wasn't a decision made by one or two individuals; it was at least three or four of the most senior people in the criminal division who reviewed the matter

separately. They gave an opinion, as I recall, at the end of September 1975, that in all likelihood criminal charges would not succeed.

**Mr. S. Smith:** By way of a supplementary, I think the House might be curious, at least in some part, as to why the evidence was insufficient, could the Attorney General undertake to table in the House a copy of all the opinions he received from his advisers or senior law officers with regard to the decision as to whether or not to lay charges against Mr. Armstrong?

**Hon. Mr. McMurtry:** No, I will give no such undertaking to the House. For many years it's been the tradition not to table opinions of law officers of the Crown, particularly as they pertain to criminal matters. Furthermore, in so far as this particular situation is concerned, again one must look at the facts and decide what facts have been determined and what facts haven't been determined.

I will say this to the hon. Leader of the Opposition. I will review the opinion again and see whether there is further information I can usefully advise the House in relation to it without unfairly prejudicing individuals who have not been charged or without unfairly prejudicing individuals in relation to which certain facts have not been established.

I want to emphasize the fact that this matter was reviewed very carefully by people in whose expertise I have the greatest confidence.

**Mr. Roy:** Mr. Speaker, may I ask a supplementary subsequent to my leader's questions? First of all, would the Attorney General agree that there is no limitation period on the laying of such charges? Secondly, when it comes to opinions, I can understand that the Attorney General can't table them but would he not agree that one sometimes can get a variety of opinions about a certain conclusion in law on a certain set of facts? We all make mistakes, as he knows.

Third, since he has a new Deputy Attorney General, would he undertake to submit the facts to the present Deputy Attorney General for his opinion? Finally, what is it about the officials within his ministry and their great reluctance ever to lay any charges under section 110 of the Criminal Code?

**Hon. Mr. McMurtry:** I don't have anything further to add to what I have already said. I am satisfied that the matter was properly reviewed at the time. While I have great confidence in the ability of the new Deputy Attorney General, I am totally satisfied that the matter was properly reviewed and dealt with at that time.



**Mr. Nixon:** Would the minister not agree that it is of great importance that the members of the House be satisfied that they too are in possession of the information that is just now being made public through the articles in the *Toronto Star*, particularly since it involves the Treasurer, it involves the judgement of the Attorney General, both now and previously, as to whether or not a commission investigation should have been permitted to go on in Mississauga, and as to whether or not charges should have been laid? Does the minister recall this matter being raised in this very first estimates when similar questions were asked the minister and even at that time the information was not forthcoming?

**Hon. Mr. McMurtry:** I don't think I have anything to add to what I have already stated. I recall the Mississauga inquiry was the subject of some questions from the hon. member opposite, the former leader of the Liberal Party. I will review the decision that was made at that time and will advise the House, certainly prior to the end of the week, whether there is any additional information that should be made known to the members of the House in the public interest. I will endeavour to do that.

#### ACTIVITIES OF RCMP

**Mr. Lewis:** Mr. Speaker, I too would like to go to the Attorney General on a separate matter. On the assumption that there may be some truth to the stories about the RCMP and the perusal of medical files, what in the world can the minister do in this province to ascertain whether or not there was such a shocking breach of confidentiality by the RCMP? Is there any way that that information can be elicited by him either by way of direct inquiry from the force or by way of initiating an inquiry on his own?

**Hon. Mr. McMurtry:** Mr. Speaker, I have communicated a request to O Division, RCMP, in Ontario, to request a report from them in relation to the report that was contained in the *Globe and Mail* this morning. I have not yet had an opportunity of discussing it with the Minister of Health (Mr. Timbrell) and I certainly intend to do that. As to what further action might be appropriate, I think we will simply have to await their initial response.

**Mr. Lewis:** I ask by way of supplementary and with a certain frustration, did not the minister himself feel dissatisfied in the assurances which the RCMP has given him on previous matters—and his colleague, the Solicitor General (Mr. MacBeth), equally? How

does one get to the heart of their activities as they affect the government of the province of Ontario, without making certain demands on them for the production of material? Can he do that as the Attorney General in this province? Can he demand it of them rather than going through the federal Solicitor General or Minister of Justice?

**Hon. Mr. McMurtry:** I have no legal authority to require them to produce this material. Any information that I have elicited or requested in the past has always been forthcoming. Short of constituting an inquiry for that purpose, that would be the only way in which a provincial Attorney General could compel the production of any documents. But as I say, I think it's too premature to speculate as to whether that would be an appropriate course of action at this time.

[2:30]

**Mr. Lewis:** A supplementary: If the words attributed to the minister are accurate—I think the word was “distressed” at the reports—and if he is not satisfied by the information flowing back to him on his various requests about RCMP activities, does that remain a live option with him—the possibility of an inquiry as more of this comes to light and he is frustrated by the absence of specifics?

**Hon. Mr. McMurtry:** I think that option is always a live option in these matters, Mr. Speaker.

**Mr. Lewis:** If I had asked him if it was a dead option, would he have answered the same?

**Hon. Mr. McMurtry:** I would probably have said it was not a dead option.

#### QUEEN STREET MENTAL HEALTH CENTRE

**Mr. Duksza:** A question for the Minister of Health, Mr. Speaker: Will the minister confirm that there are now 54 fewer certified positions in the complement at the Queen Street Mental Health Centre, and that 19 workers on contract have been terminated?

**Hon. Mr. Timbrell:** I am sorry, I missed the last part of the question, but I got the gist of it and I will get the member the figures for the Queen Street Mental Health Centre; also, of course, the patient load as well, to see how they relate.

**Mr. Duksza:** I am sorry, I didn't hear the minister's answer. He didn't hear my question and I didn't hear his answer.

**Mr. Speaker:** He said he would get the information for the member.

**Mr. Duksza:** A supplementary, Mr. Speaker: Is the minister aware that the administrator



of the Queen Street Mental Health Centre announced those things on Thursday morning?

**Hon. Mr. Timbrell:** There were some layoffs in different parts of the ministry on Thursday, but I haven't got the list with me as to how many were in which parts of the ministry. I will get that information for the member.

### HEALTH OF SENIOR CITIZENS; FLOODING AT NURSING HOME

**Hon. Mr. Timbrell:** If I may, Mr. Speaker, I have two answers.

Last week the hon. member for Grey-Bruce (Mr. Sargent) stated in the Legislature that each senior citizen in nursing homes and other institutions in the province receives an average six to nine medications per day. The hon. member's statement needs clarification, since the facts are somewhat different.

The Ontario Drug Benefit Plan reimburses pharmacists for prescription drugs applied to residents of the province's nursing homes and homes for the aged. From the claim status submitted after computerized reports are routinely produced, records show that for the six months ending August 31, 1977, residents of nursing homes and homes for the aged in Ontario received an average of 2.8 medications per person per month—or prescriptions if you will. These could be taken once a day, twice a day, or up to six times a day, depending on the reason they are being taken in the first place.

It is possible that there may be seriously ill patients who receive as many as six medications per day. However, the prescribing of medications throughout this province is the responsibility of the attending physician, and this is a matter of professional judgement.

The second question, Mr. Speaker: Last Monday I was asked by the hon. member for Windsor-Riverside (Mr. Cooke) to look into an incident at the Greater Windsor Nursing Home, which I believe is in his riding.

I have done so and it would appear that while a sewer backed up on the floor of this nursing home, the results were somewhat less serious than originally suggested. No one at that nursing home slept in rooms flooded with six inches of raw sewage the night of November 5. In fact, as soon as water backing up from an overflowed toilet began to enter the only occupied room on that floor, the four residents were moved up to the main floor sitting room where beds had been prepared for them.

The nursing home administrator had difficulty in contacting the maintenance man, and

since there was just a small puddle of water on the floor, the washroom was simply closed. By morning, however, the situation had worsened. The maintenance man called a plumber; some roots in the sewer system were removed and appropriate cleaning procedures were carried out in the washroom, the hall, and the room used for the four residents.

This incident has been thoroughly investigated and the site visited by both the local medical officer of health and the chief public health inspector in the metro Windsor-Essex county health unit, as well as by an environmental health inspector and the regional nursing supervisor for my ministry's nursing home inspection service.

Other than to suggest the administrator of the nursing home might have acted more promptly in correcting the problem and in advising the ministry, neither my staff nor the local health unit staff found cause for complaint.

We will register our concern about these matters with the licensee and will reiterate our requirements regarding notification to my ministry of incidents of this nature. Nursing home administrators are required by section 91-5 of regulation 406/76 under the Nursing Homes Act to notify the ministry promptly of all emergencies, such as fires, accidents and outbreaks of communicable diseases.

**Mr. Mancini:** Supplementary: In view of the fact that many people who work in these nursing homes advise members like myself that there are many citizens in the nursing homes receiving a great deal of medication, more than what the minister has announced to the House today, would it be possible to have some of the minister's staff check the records of individual nursing homes to see for themselves if there are abuses?

**Hon. Mr. Timbrell:** This would be one of the matters looked at during the nursing inspection of the homes. But certainly if the hon. member has any particular home or homes in mind, I would ask him to let me know and I'll ensure that that is done.

**Mr. Cooke:** Supplementary: Mr. Speaker, I would like to ask the Minister of Health if, in his reply, he did state that these nursing home inspectors contacted the medical officer of health and the inspector? If so, is the information that he has given us today from those people? I might suggest that if it is, somehow the minister has got the wrong information, because his statement is totally incorrect.

**Hon. Mr. Timbrell:** Was that a question?



**Mr. Lewis:** Yes. How do you get such bad information in your ministry?

**Hon. Mr. Timbrell:** Mr. Speaker, my understanding is that the staff of the inspection branch were, in fact, in touch with the medical officer of health, Dr. Jones. This was after several visits there and on-site inspections by our staff as well, as I mentioned in the answer.

If the member has information which is different from that, let him convey it to me, and short of making a personal visit—he knows I can't visit all these places—

**Mr. Warner:** Why not?

**Hon. Mr. Timbrell:** I'll check out whatever additional facts he has.

**Mr. Cooke:** Final supplementary: I'd like to ask the Minister of Health why, when the environmental inspector went out to this nursing home, didn't he automatically contact Dr. Jones and the chief inspector? Why did it take me to have to call the London office to insist that they contact these people? Why don't they do their job properly in the first place?

**Hon. Mr. Timbrell:** As the member may not know, it is not the responsibility of the local health unit to inspect nursing homes. That was taken away from the health units about five years ago.

**Mr. Cooke:** You've got nobody in Windsor. They are all in London.

## MUNICIPAL PARKS AND RECREATION PROJECTS

**Mr. Bradley:** A question for the Minister of Housing, Mr. Speaker. The minister has indicated to municipalities that he wishes to see high-density developments taking place or being allowed, in order to provide low-cost housing. In the light of this fact, is the minister now concerned about the present practice of the Ontario Municipal Board of discouraging, vetoing or delaying public parks and recreation projects which would be considered necessities, rather than frills, in light of the circumstances with high-density housing?

**Hon. Mr. Rhodes:** Mr. Speaker, I can't indicate whether or not the Ontario Municipal Board has, in fact, been taking this position. I have not received any indication from municipalities that they were at all concerned.

If the hon. member can let me have incidents in municipalities where this may have happened, I would like to look at it. But I'm afraid I can't comment on decisions the OMB may have made in various municipalities.

**Mr. Bradley:** Supplementary: It has been suggested to the Ontario Municipal Board by the provincial Treasurer or someone in the provincial government that it should be discouraging projects of a recreational and parks nature, that these are low on priorities. Therefore the OMB is forcing municipalities to advertise them, or it is rejecting them and forcing further information, a delaying tactic. This is the practice, I'm sure, across Ontario. It certainly is in the city of St. Catharines.

So I suppose what I'm asking you as a supplementary, as well, would be: Would you not consider these something other than a low priority where you have high density, in light of the fact that parks and recreation projects tend to discourage crime and social unrest? Would you not consider these more of a priority than the OMB is presently suggesting?

**Hon. Mr. Rhodes:** I think it goes without saying that most municipalities establish within their own communities what they feel is a fair ratio of parks and recreation facilities according to the population. In many areas where they are increasing densities, they will take into account the number of recreational facilities, the number of parks that they should have.

I can't comment on whether or not the Ontario Municipal Board has been advised, or it has been suggested to it, that it should place these on a low priority. I frankly had not heard that. I would hope the OMB would make its decisions based upon what is best for a particular municipality, not upon whether or not it has been told to put it on the low priority list.

**Mr. Bradley:** A final supplementary on this: If the minister were to determine that this is indeed the case, that on the suggestion of the provincial government or the Treasurer or someone of that nature, they are generally ruling that they should be low priority, would the minister undertake then to suggest to the Ontario Municipal Board that they should not be a low priority—if indeed that's the case?

**Hon. Mr. Rhodes:** Mr. Speaker, you may rest assured that I do not at any time make suggestions to the Ontario Municipal Board.

## ACTIONS OF POLICE AT BURLINGTON

**Mr. Deans:** I have a question for the Solicitor General. Am I correct in assuming that the Halton police force and the police commission of that area have in fact now asked the Ontario Police Commission to investigate the allegations of brutality that have been emanating from a number of lawyers in the

area? If I am correct in that assumption, would the Solicitor General undertake to have the police commission review not only those particular allegations, but also to review the comments of one Mr. Murden, who was previously a police officer with the force. Secondly, would he review other allegations which have been placed before the police commission in the Halton area over the last, say, four years to determine whether or not what is now happening, assuming it is borne out by the information that is placed before it, has not been a matter of practice and acceptable to the police force?

**Hon. Mr. MacBeth:** Mr. Speaker, if I may, I have the reply to a question that the member asked last week that may give the answer to some of those questions.

Last Wednesday the member for Wentworth asked about alleged brutality by the Halton regional police force. There have been four cases of alleged brutality brought to the attention of the chief of the Halton regional police force.

One case was investigated by the OPP at the request of the Crown attorney. The finding was that there was no evidence to support the allegations and the Halton police were cleared of any wrongdoing.

**Mr. Lewis:** The police investigating the police. Very useful.

**Hon. Mr. MacBeth:** The three other cases were investigated by the Halton police. One was found to be substantiated and has resulted in one police officer being charged under the Police Act.

The procedure for the handling of complaints as recommended by the Ontario Police Commission is in effect in Halton and is in fact contained in the bylaws of the force. Roy Murden, who was recently quoted in the press, spent some 10 years on the force, having joined the Oakville department prior to regionalization. He is now a civilian and is therefore not subject to disciplinary procedures under the Police Act.

The police authorities are not in possession of any evidence that would warrant criminal proceedings being instituted. The Ontario Police Commission and the Halton board of police commissioners are meeting later this week to discuss the whole matter. After this meeting the Ontario Police Commission will decide what, if any, further action will be necessary.

I think that last paragraph probably answers the first questions the member raised as to whether or not the OPC had been asked by the Halton police to conduct an investigation. They are meeting, as I say, later this

week and we will see what comes out of that and I can report back to the House later.

Last Wednesday the member for Wentworth asked a supplementary question having to do with the suggestion that he had earlier brought to the attention of the Solicitor General some complaints about the Halton regional police force. We looked for them and didn't find that either in correspondence or questions in the House. So if the member will give me some further information I'll try to track that down.

**Mr. Deans:** Supplementary question, if I may: Will the minister consult with his colleague the Attorney General (Mr. McMurry) and determine whether or not there should be an investigation into the allegations made by Mr. Murden—or the suggestions, I suppose—the confessions made by Mr. Murden that he engaged in fairly severe brutal methods in order to obtain for himself and for the police whatever it was that he thought his job was—an investigation either by the Crown attorney's office in the event that it is no longer within the jurisdiction of the OPC, or by the Ontario Police Commission, to determine whether or not there should be some charges laid or some follow-up?

Will he do this not only in the case of Mr. Murden? Will the minister also investigate complaints laid by citizens with the Halton police commission over the last four years to determine whether what we are seeing now is simply an opening up to the public of something that may well have been there for some long time?

**Hon. Mr. MacBeth:** In answering the second question first: Yes, I'll be glad to review what kind of complaints have been laid against the police in Halton and see whether or not there has been a sloughing off or insufficient examination into those complaints.

[2:45]

Regarding the first question, I don't know of any evidence against Murden, other than his own admissions, which were in the press—

**Mr. Deans:** Don't you think that is interesting?

**Hon. Mr. MacBeth:** I do, and I am upset by them, of course. Again, it's his own word in connection with it. I read those reports after the hon. member drew them to my attention and, as I say, I was quite concerned that a former police officer would make that kind of statement.

In any event, if the police can be of assistance in gathering necessary evidence,



I will have them do so. But, of course, whether or not charges can be laid at this point will be at the discretion of the Attorney General and his staff.

### ASSESSMENT EXEMPTIONS

**Mr. Epp:** Mr. Speaker, I have a question of the Minister of Revenue. In view of the concern that Ontarians feel about the conservation of energy and in view of the fact that it was reported last week that a Mr. Stan Cattroll was going to be assessed an extra \$95 for insulating his basement, I was wondering whether the Minister of Revenue would consider exempting the insulation of homes from additional assessment?

**Hon. Mrs. Scrivener:** Mr. Speaker, our regulations and the Act itself have been amended to provide for those things which will be exempt under the Act, and the list is a very generous one.

**Mr. Epp:** Mr. Speaker, I have a supplementary. Will the minister assure us that the installation of insulation in homes is going to be exempt so that we can put some truth in the matter that we want to conserve energy?

**Hon. Mrs. Scrivener:** Mr. Speaker, I think the member is misdirecting or not couching his question correctly. I think he is referring to assessment requirements, is he not?

**Mr. Roy:** The problem is not with the question; it is with the answer.

**Hon. Mrs. Scrivener:** If so, it does not come under income tax.

**Mr. S. Smith:** It has nothing to do with income tax. It's about assessment.

**Mr. Foulds:** We're talking about assessment. Put your hearing aid on.

**Mr. Speaker:** Final supplementary; the hon. member for Waterloo North.

**Mr. Epp:** Mr. Speaker, in view of the fact that the minister is in charge of assessment—

**Mrs. Campbell:** She doesn't know that.

**Mr. Reed:** Nor does she know what is on the list.

**Mr. Epp:** I would like to reiterate my question to ask her whether, in view of the fact that her officials are putting additional assessment on homes where people are insulating their basements and putting in insulation to conserve energy, she would consider exempting the insulation from the assessment portion of the home?

**Hon. Mrs. Scrivener:** Mr. Speaker, certain insulating materials now are exempt. I think the member is probably aware of that. As for adjusting the assessment for homes that now are insulated, I don't think that's true.

**Mr. Warner:** They should put the minister back in charge of Christmas cards. She did a great job there.

**Mr. Speaker:** The hon. member for Algoma with a supplementary.

**Mr. Wildman:** Could the minister indicate whether or not solar collectors are on that long list, the generous list of exemptions?

**Mr. Roy:** That's not a supplementary.

**Hon. Mrs. Scrivener:** That is away off the question, Mr. Speaker, but I will be pleased to answer. Quite a bit of equipment involved with the creation of solar heating now is exempt.

**Mr. Speaker:** The hon. member for London Centre with an absolutely final supplementary.

**Mr. Peterson:** In fairness, Mr. Speaker, I think the hon. minister has the whole thing confused. I think what we are asking is about exemptions not for sales tax purposes but for assessment purposes. The original question was whether insulation materials would be exempted and the second question was whether renewable energy devices such as solar energy devices would be exempted for assessment purposes. What is the answer to that question, please?

**Hon. Mrs. Scrivener:** Under both statutes, certain equipment and insulating material is most definitely exempt.

**Mr. S. Smith:** Exempt from what? Assessment?

**Hon. Mrs. Scrivener:** I said that earlier in response to an earlier question.

**Mr. Lewis:** Why don't you just say, "I don't know?"

**Mr. Warner:** I have a question of the Treasurer. Perhaps we'll have better luck this time.

### TAXI REGULATIONS

**Mr. Warner:** Does the Treasurer realize that he has the opportunity to stop the pirating practice of over 200 cabs in Metro Toronto?

**Hon. Mr. Kerr:** He flies; he never drives.

**Hon. Mr. McKeough:** Do I realize?

**Mr. Warner:** Yes.

**Hon. Mr. McKeough:** No.

**Mr. Warner:** Okay, supplementary, Mr. Speaker: Does the minister realize that what is needed to stop the daily pirating practice by 200 cabs in Toronto, is a change in the Municipal Act, so that the municipality would have the right to license taxis at the

point of pickup? Further, when the Treasurer told me in June this year that he would be meeting with the taxi drivers in July, did he have a particular year in mind, as they have not yet heard from him?

**Hon. Mr. McKeough:** Mr. Speaker, the answer to the first part of the question is "no"; to the second part, "yes."

**Mr. Martel:** Well, what year?

**Mr. Breagh:** Which year?

**Mr. Foulds:** In the fullness of time.

**Mr. Warner:** July of 1977 has gone by.

**Hon. Mr. McKeough:** Mr. Speaker, the member might like to redirect his question to the Minister of Transportation and Communications (Mr. Snow) when he is here. He has been examining that whole question.

**Mr. Warner:** And the Attorney General?

**Mr. Lewis:** Ask the Minister of Revenue.

**Mr. Foulds:** Ask her what year it is.

**Mr. Warner:** When they've got their act together over there, perhaps the Treasurer could indicate to me when he's going to meet with the taxi drivers and how he is going to solve the problem. They have been waiting almost two years now for an answer from the government.

**Mr. Speaker:** The question has been asked.

**Hon. Mr. McKeough:** Mr. Speaker, I can only repeat that the hon. member might ask that question of the Minister of Transportation and Communications, who may or may not have met with the taxi owners.

**Mr. Lewis:** Oh, they should leave you stranded at the airport.

**Hon. Mr. McKeough:** At any rate it seems to be his area of concern. I believe he's been having some discussions with the Minister of Transport for Canada on this subject.

**Mr. Peterson:** He doesn't understand about taxi drivers.

#### HALNOR HOUSE

**Mr. G. I. Miller:** I have a question of the Minister of Health: Can the de-tox centres or the rehabilitation centres expect funding in 1977-78 for the purpose of keeping them operating, particularly Halnor House in Simcoe? Can it expect funding for 1977-78?

**Hon. Mr. Timbrell:** Mr. Speaker, I believe that Halnor House is one of those which has been receiving funding from the grants in aid committee of the ministry, whose terms of reference are very clear in that the maximum number of years for which funding is available is three, and Halnor House is currently in its third year. The purpose of this program

is, of course, to allow such programs to establish themselves and to develop community sources of revenue, and, thereby, become self-sufficient.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: Does the minister not feel that in the three-year period, such centres have been a useful function to the community and have cut down the cost to his ministry and particularly hospitals, and that they should have some consideration as far as funding is concerned?

**Hon. Mr. Timbrell:** Mr. Speaker, I'm not familiar with the particular program at Halnor House. I haven't seen it; I haven't seen a description of it.

**Mr. Martel:** Oh, it's good.

**Hon. Mr. Timbrell:** But I've explained the terms of reference under which moneys have been asked for and given. If the member would like to send me a letter explaining the circumstances as to why they either haven't gone about raising funds in the community or can't—unfortunately, far too often it's the case that they haven't—then we can take a look at it.

**Mr. Haggerty:** They need a lottery.

**Hon. Mr. Timbrell:** There are many projects around the province which we have routinely been getting off the ground and which are now self-sufficient.

**Mr. G. I. Miller:** One more supplementary, Mr. Speaker: I think that Halnor House is getting considerable funding from the municipality, perhaps as much as 60 per cent. I'll certainly make sure you have the information made available to you.

**Mr. Speaker:** That wasn't a question.

**Mr. G. I. Miller:** Will he give it further consideration?

#### POLLUTION BY PULP AND PAPER COMPANIES

**Ms. Bryden:** I have a question for the Minister of the Environment: I would like to ask the minister to comment on a statement which he made in a letter to the former NDP Environment critic, Dr. Charles Godfrey, in regard to the government's record or lack of it on prosecuting our biggest polluters—

**Hon. Mr. Grossman:** Where is he?

**Mr. Conway:** What happened to him?

**Ms. Bryden:** —the pulp and paper industry. The minister said in that letter, "To increase the scope and effectiveness of this area of control, I am recommending the amendment of our environmental legislation to provide wider scope for citizen prosecutions and class



actions, as I have stated recently in public." I'd like to ask the minister when we can expect to see this amendment.

**Hon. Mr. Kerr:** Mr. Speaker, that is still a possibility.

**Mr. Foulds:** You are retreating on this one too, are you?

**Hon. Mr. Kerr:** Of course, anything we draft has to go to various committees and cabinet for approval.

**Mr. Nixon:** Oh, it must be very difficult.

**Hon. Mr. Kerr:** I would expect we may hear something at the next session of the House.

**Mr. Roy:** How is the Dow prosecution coming?

**Ms. Bryden:** Supplementary, Mr. Speaker—

**Mr. Nixon:** "The polluters are paying."

**Ms. Bryden:** The minister recently supplied me with a list of the prosecutions that have taken place since the cleanup order was placed on the pulp and paper industry in 1965, and they amount to about 10 convictions with fines as low as \$100. Is he also planning to bring in legislation to increase those fines?

**Hon. Mr. Kerr:** As the hon. member knows, it's the court that makes the decision as to the amount of a fine.

**Mr. Roy:** You make the laws.

**Mr. Foulds:** That's the level.

**Hon. Mr. Kerr:** Our responsibility is to present a case in order to successfully prosecute anybody we lay charges against.

**Mr. Roy:** Like Dow Chemical.

**Hon. Mr. Kerr:** As far as our present legislation is concerned, the fines are now \$5,000 for a first offence and \$10,000 a day on second offence, and we think that's adequate.

**Ms. Bryden:** One supplementary, Mr. Speaker.

**Mr. Speaker:** A final supplementary.

**Ms. Bryden:** I understand that under the Water Resources Act, the fines are a minimum of \$100 and it is still in effect.

**Hon. Mr. Kerr:** We don't prosecute under the Ontario Water Resources Act; usually we prosecute for any offences that are set out in the Environmental Protection Act. The Environmental Protection Act includes just every possible offence—

**Mr. Martel:** You give a licence to pollute, George.

**Hon. Mr. Kerr:** So we haven't been using the OWR Act.

**Mr. Foulds:** You haven't been using any Act.

## PSI MIND DEVELOPMENT INSTITUTE

**Mr. Sweeney:** Mr. Speaker, to the hon. Minister of Health: My question deals with the PSI Mind Development Institute. Given that the last time—

**Mr. Haggerty:** Attorney General.

**Mr. Sweeney:** No, I am not dealing with the OPP investigation but rather with the health aspect of it. Excuse me, Mr. Speaker, but there was a misunderstanding there.

Given that the last time I raised this question, the hon. minister indicated he didn't have the legislative authority to deal with it—

**Hon. W. Newman:** You always make a speech. Why don't you ask a question?

**Mr. Eakins:** Good to have you with us, Bill.

**Mr. Nixon:** What did you have for lunch?

**Mr. S. Smith:** Does anybody have a question for Bill? Come on.

**An hon. member:** Go back to sleep and let him ask the question. Who woke him up?

**Mr. Sweeney:** What this has to do with agriculture I don't know—

**Mr. Conway:** Did somebody tell the minister he was a pale shadow of Bill Stewart?

**Mr. Sweeney:** —unless the Minister of Agriculture and Food plans to take the course. That's the only reference I can see.

Given that the Minister of Health did not have the legislative authority to deal with it in the last question, and given that the Ontario Psychological Association has now presented the minister with draft legislation that would give him the authority—

**Mr. Speaker:** I've heard three "givens." I haven't heard a questions yet.

**Mr. Sweeney:** —what does he intend to do?

**Hon. Mr. Timbrell:** I'm going to do what I told the Ontario Psychological Association I would do, namely distribute that document in the near future, hopefully this month. That was my stated intention, to get the reactions of a number of people. I indicated to them a concern that the most serious problem in drafting that kind of legislation will be in the exemptions—for social workers, clergy, teachers, and the list could go on. But that will be distributed. Maybe they have found all the answers and there won't be too much adverse reaction, and we'll be able to move on it next year. But that's the process that we're going to be involved in.

**Mr. Sweeney:** Supplementary, Mr. Speaker—

**Hon. B. Stephenson:** And make it a question.

**Mr. Sweeney:** Has the minister responded to the over 100 municipalities that have specifically asked that something be done about this institute?

**Hon. Mr. Timbrell:** I believe the point of the resolutions, letters and so forth, was that there be an inquiry. An inquiry is under way under the auspices of my colleague, the Attorney General.

[3:00]

**Mrs. Campbell:** Has the minister discussed this matter with the Attorney General to learn from him that it is the Ministry of Health which deals with allegations of hypnosis, as in this case, and that it is no part of the inquiry of the Attorney General's office?

**Hon. Mr. Timbrell:** That is not my understanding, because certainly one of the possible outcomes of the investigation would be a recommendation that charges be laid under the Hypnosis Act.

**Mr. Swart:** I have a question of the Minister of Consumer and Commercial Relations.

**Mr. Foulds:** On coffee?

**Mr. Swart:** It's not on coffee. He completely fluffed that one. It's on another matter.

**Hon. B. Stephenson:** It's on tea.

**Mr. Roy:** That's right. You're right again.

#### POSTAL CODES

**Mr. Swart:** I'd like to ask the minister, because most people use the ordinary telephone book as a city directory, has he considered recommending to the Bell telephone company that it publish the postal code of its customers as well as their addresses in the telephone directory?

**Mr. Roy:** You don't have jurisdiction, but tell him yes.

**Hon. Mr. Grossman:** No.

**Mr. Swart:** Mr. Speaker, as a supplementary—

**Mr. Speaker:** It really isn't an urgent question.

**Mr. Swart:** Mr. Speaker, as a supplementary to that?

**Mr. Speaker:** It really isn't an urgent question.

**Mr. Cureatz:** You're excused.

#### MAPLE PARK SITE

**Mr. Stong:** Mr. Speaker, I have a question of the Attorney General. What influence did he exert in having the OMB hearing the Maple amusement park issue set its time of sittings to meet the convenience of the developers, even as far as sitting on November

11, Remembrance Day? Could he indicate to this House what private individuals' applications have had to be deferred because of the preferential treatment the developers of this park have received?

**Hon. Mr. McMurtry:** I don't know what the OMB has done in relation to this hearing. A firm of Toronto solicitors have communicated their concern to me to the effect that a month had been set aside for this hearing and then, part way into the hearing as I recall, they were advised that the time available to complete the hearing would be two weeks and not a month. I simply passed that concern, not directly but through my office, on to the OMB and that was the last I've heard of it.

**Mr. Stong:** A supplementary: I wonder if the Attorney General could account for the rapidity with which these hearings have progressed, particularly in view of the fact that the OMB refused to delay its hearing pending an application under the Environmental Assessment Act, notice of which was given two weeks prior to the commencement of the OMB hearings, as I understand it?

**Hon. Mr. McMurtry:** I have no information about the progress of this matter through the hearings. I wasn't even aware that it was being heard by the OMB until this firm of solicitors communicated their concern to the effect, as I've already said, that originally a month had been set aside and the time had been abrogated. That's all I know of it at this time.

**Mr. Speaker:** The time for oral questions has expired.

#### ANSWERS TO WRITTEN QUESTIONS

**Hon. Mr. Auld:** Mr. Speaker, before the orders of the day I wish to table the answers to questions 30 and 31 standing on the notice paper. (See appendix, page 1821.)

#### ORDERS OF THE DAY

House in committee of supply.

#### ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

**Mr. Chairman:** As I recall, when the committee adjourned the Attorney General was just beginning to reply to the critics' remarks. Does the Attorney General have any comments?

**Hon. Mr. McMurtry:** No, Mr. Chairman, it wasn't my intention to respond at this time to the opening statements of the Justice critics for the two parties opposite. Matters



they dealt with in general will be dealt with as we go through the estimates. It was not my intention to respond specifically at this particular time.

**Mr. Chairman:** There seems to be a fair amount of noise in the chamber. I wonder if the private conversations could be kept to a minimum.

On vote 1301, law officer of the Crown program; item 1, Attorney General:

**Mr. Nixon:** I would like to just ask the Attorney General for an opinion on a matter which seems to be cropping up in the House more and more frequently, and that is the contacting of the Municipal Board, particularly by the minister's office—either his or other ministers' offices—to assist the Municipal Board, let's say, in timing its hearings.

I presume there's nothing wrong with a private member's contacting the Municipal Board on behalf of a constituent, yet it seems that it's an emerging concern the way the ministry—not just the AG's ministry, but all the ministries—feel free to contact the Municipal Board either directly, or as the minister just said in answer to a question, indirectly, to assist it in its scheduling of matters which may be important to the minister or important to people who contact him.

**Hon. Mr. Kerr:** You don't have the same privilege as an ordinary MPP.

**Mr. Nixon:** Of course you do, but you have to remember that you are not ordinary MPPs, and when you do so as the Treasurer or the Minister of the Environment or the Attorney General there may just be a slightly greater indication to the Municipal Board that it might adjust its timetable.

It was interesting to hear the response of the Minister of Housing on a very similar matter when he said, "I do not contact the municipal board." Now, certainly the Treasurer made no bones about the fact that he wrote a letter of policy to the Municipal Board on the acquisition, or, let's say, on the establishment of a plan around Barrie. There was some criticism that, in fact, the Municipal Board at least should have had a chance to review the situation without a letter from the chief planner of the province being deposited with it, essentially telling it what the government wanted it to do.

Of course, a private member's got an opportunity to contact the municipal board on behalf of a constituent. Does the Attorney General see any difference between a private member's doing that and a minister of the Crown? I see a difference.

**Hon. Mr. Kerr:** More indirectly.

**Hon. Mr. McMurtry:** I think it depends on the context of the communication and, of course, the nature of the communication itself. As the member has just stated, and I am sure as a private member he himself has communicated his concerns to the OMB on behalf of constituents, I certainly make it my position not to express any concerns on behalf of any specific litigants in relation to the matters to be determined by the OMB.

I think the provincial Treasurer is in a different position when it comes to a government policy in relation to planning. This matter was reviewed by the courts, by the divisional court, and the propriety was upheld.

I can't recall at the moment any specific communication I have had, other than the one that was just referred to. If there have been others, they have been very few and far between.

A firm of solicitors may communicate with me and say, "Look, a month had been set aside for this hearing and we have assembled all our experts and there is a great amount of expense involved in presenting our case. At the last moment we are told that the month that had been set aside has been reduced to two weeks. You know, this hardly seems fair." As the minister in charge of the administration of the board I simply pass the concern on through my office to the administrator of the board.

I think similarly, if there were a complaint in relation to a matter being unduly delayed, as often there are in relation to the disposition of criminal trials, I might well expedite a criminal trial in the public interest. The member's leader had a great deal to say in this spring about expediting hearings before the Ontario Municipal Board that were related to construction projects which were being delayed. Certainly it was agreed on all sides that it was in the public interest to expedite some of these hearings as the results might be relevant to needed jobs.

So, in response to the question, it depends on all the circumstances. As the Attorney General I certainly am not going to make any communication directly or indirectly with the Municipal Board that would suggest I favour one side or the other. But when it comes to mechanical problems, such as time that has been set aside for a specific hearing, I think as the minister responsible for the administration of the board I have some accountability to the public. When members of the public have some concern to express about the administration of the board, I feel it is my responsibility to respond to those con-



cerns in relation to the administration of the board.

**Mr. Nixon:** I appreciate what the Attorney General has said. I have a feeling, however, that this is going to be an increasing problem for private members and ministers. I don't know whether we are in a position where we are looking for terms of reference; I hope not. It should be clear enough as to what the proper procedure is.

It seems to me that if—is it Mr. Shub, the chairman of the Municipal Board?—were to receive a communication from the Attorney General's office that the Attorney General was concerned that there might not be sufficient time to hear the application in that Maple business it would almost be improper for him not to respond and to satisfy the concerns of his administrative superior. Undoubtedly the Attorney General is a member of this House who has the responsibility, I suppose, to pass these on. But when he says "administrative superior," it is something more than just passing on a concern. It leaves all of us open to the problem that we were reading about on Saturday, whereby somebody might think that they can influence the timetable of such a tribunal as the Municipal Board.

This is a matter we are going to be concerned with, undoubtedly. It is going to be distasteful, I suppose, but we are going to be concerned about it. We are going to have to be concerned with it.

**Hon. Mr. McMurtry:** I am not quarrelling with the hon. member's concern, but again as we discuss this matter, I recall very vividly, back in the spring where the leader of your party was being very critical of the Attorney General of this province for not ordering the Ontario Municipal Board to do this, or to do that in relation—

**Mr. Ruston:** To speed up—speed up.

**Hon. Mr. McMurtry:** That's right, in relation to speeding up the hearing.

**Mr. Ruston:** But not their decision.

**Hon. Mr. McMurtry:** Well, if you don't understand that to be a pretty basic interference with the process—

**Mr. Ruston:** There is a difference. There is an awful lot of difference.

**Hon. Mr. McMurtry:** —then, you know, your lack of understanding is hardly relevant to the exercise of my responsibilities. Maybe you better talk it over with your colleague, because he obviously shares the view that I should be ordering the OMB—not asking how much time might be set aside but ordering them to speed up the hearing. Your leader felt I should be in a position to tell the OMB,

"Look, you are letting this thing drag on. You have got to speed up the whole process." And I said, "Look, I am not going to take a position that is going to interfere, or be perceived to be interfering, with the rights of any of the litigants before that body." Your colleague doesn't seem to understand that.

**Mr. Nixon:** Mr. Chairman, this can become acrimonious, and it may. Surely we are going to have to discuss, on a slightly different plane than that—and this is the ideal place to do it—that there may in fact be a qualitative difference between expressing a concern right here in the Legislature for the employment level in Metropolitan Toronto, having to do with the fact that the length of time the Municipal Board hearings were taking could be seen by some reasonable people to be delaying the rate at which new construction was begun.

The request was made in this forum, which is very appropriate, and the minister appropriately responded. I don't think he was right, but he was asked as the administrative head of the Municipal Board to do something about it.

[3:15]

I ask the minister to compare that with receiving a call from somebody who is concerned with the delay in the hearings having to do with the Maple amusement park or whatever, and for the minister to say, "By George, that would be a serious matter," and doing what private members do—contact the Municipal Board and say, "Can you reschedule this?"

I would think that normally, from the basis of a private member, the only case I can think of personally is where someone has been denied a building permit or severance on the basis of local objections and it has gone to a Municipal Board hearing. I can hear the constituent on the phone saying, "If I don't get approval, I won't get my footings in before the frost." Then a member would try at least to get a ruling from the board. I suppose in principle they're identical but I would say to the minister, I suppose in not quite the same tone as has already been used, there is a qualitative difference, and he must perceive it.

**Hon. Mr. McMurtry:** Yes, I can see the qualitative difference, but I perceive it somewhat differently from the hon. member opposite. The illustration we were using in the spring was it was suggested to me that I order the OMB to speed up its hearings, which in effect could be perceived as stating to the OMB, "Look, you've got to hurry up



the presentation of this side of the case or that side of the case." That, in my view, represents a fundamental interference with the rights of litigants.

I perceived it as being improper to accede to the wishes of the leader of the Liberal Party last spring. But when it comes to a rather straightforward situation when somebody communicates with the Ministry of the Attorney General and states, "Look, the OMB had told us that a month would be set aside for this hearing. We have all these experts who are here and who have come from great distances at great expense. We are told now that for some reason the time set aside has been shortened to two weeks." It wasn't a question of telling them when to schedule the hearing. It was simply a question that was passed on to the administrator of the board as a concern that had been communicated to my office.

I think that that is the type of concern that should be passed on, without commenting on whether a month had been scheduled or not been scheduled. I see a qualitative difference between that and ordering the OMB to hurry up a particular hearing in relation to it taking too long, "the litigants are too long-winded or their lawyers or their witnesses are."

**Mr. Nixon:** No. That is not right.

**Mr. Roy:** No. You are misleading the House.

**Hon. Mr. McMurtry:** That was implicit in what the leader of the Liberal Party was stating. He doesn't understand the process. I gave him the benefit of the doubt because of his lack of understanding of the process.

**Mr. Lewis:** You shouldn't have.

**Mr. Nixon:** Just one comment, then I'll let it rest as far as I'm concerned. The Attorney General has returned four times to the request by my leader that he take some action to speed up the Municipal Board hearing vis-à-vis the hearings on the plan for Toronto. As I recall it, there was no idea given by him or even indicated by the Attorney General at that time that we wanted to cut short the arguments, but that the hearings should be going through the holiday season; that the board should be meeting more than, I think, three or five hours a day on it; and that a word from the administrative chief in this responding to the views of the Legislature could expedite the hearing, without curtailing the arguments having been put forward, but so that the board would spend more time on it.

**Mr. Lewis:** I wanted to reflect for a moment publicly in this as well because we too pummelled away at the Attorney General. I can remember calling a press conference on the penultimate Saturday of the campaign in an effort to persuade everyone that the Municipal Board hearing should proceed instantly and that the Attorney General should order them to proceed. I found him wilfully intransigent in his refusal to direct the Ontario Municipal Board to proceed with the hearing.

I must say, as I read the stories over the weekend, and even when I thought of it at the time, it seemed to me one could put two interpretations on it. On the one hand, the reason we wanted it to proceed was the assumption that jobs would be created because projects would be approved. On the other hand, the projects involved specific developers. There was therefore the kind of invidious sense that we would be benefiting individual developers by insisting that the hearings be held and that jobs be created. Isn't that the way it always is?

When I read the stuff over the weekend, I wasn't comfortable about the Arthur Armstrong involvement, frankly, at all. But leaving that aside for the moment as a separate matter, I wondered about questions of impropriety and I must say that I can't see it. But what does occur to me in the discussion here is something that has worried me a little bit before. What does it say about the OMB, its chairman and its officers if we assume that whether it is an indirect call from someone who works for the Treasurer or someone who works for the Attorney General, they will then jump through hoops and reschedule hearings.

I have to make the assumption—and if I'm wrong, I'd like to know it—that the OMB is a relatively independent body that will sort out what is an inappropriate intervention on the part of an elected official—private member or cabinet minister—and what is a reasonable drawing to their attention of something that isn't fair or isn't working. I have to make that assumption. Otherwise, the OMB is just a fairly unlovely outfit.

I don't think I have ever had occasion to intervene, partly because I go around most of my life believing that people don't listen to me anyway, so that if I were to intervene with the OMB they wouldn't care. But I think that some of my colleagues of greater persuasion have intervened; they have gone to the board and they have asked that hearings be speeded up or that hearings be held or that something happens.



The former leader of the Liberal Party talked about guidelines, or maybe this wasn't the time to set things up. Maybe it is the time to set up things up. Maybe there is something that has to be said.

I want to work on the assumption, Mr. Attorney General, through the Chairman, that whether it is you or Darcy McKeough or the Premier (Mr. Davis) himself, that somewhere along the way these quasi-judicial independent bodies will exercise their own judgement and if it seems that your request for speed-up is showing partiality to a litigant—perish the thought—they will react accordingly. I don't know what your view is of the board, but I would have thought that that is the distinction one has to assume—that the board is a group of reasonable human beings who will not either be intimidated or pressured by pomp to speed it up. But obviously there is a great anxiety that that is not the case, that the mere administrative suggestion from the AG's office means that they shift everything out. I would worry about that. I would consider that more their fault than an intervention by cabinet.

**Hon. Mr. McMurtry:** I think the remarks of the member for Scarborough West are very appropriate and I don't quarrel with anything he has said in those remarks. I think they have to carry on as quasi-judicial and therefore a fairly independent body. Certainly any intervention on my part or by any other minister of the Crown which would suggest that they favour the cause of one litigant or another in my view would be improper.

But we get into a very grey area, as the member for Scarborough West just pointed out in a very articulate fashion. Their concern during the last election campaign, and properly so, was for jobs—yet they were placed in some people's minds in the rather invidious position, as it might be perceived, that they were supporting developer applicants before the board whom they don't necessarily always sympathize with. But the developers and their applications were the vehicle for more jobs and I think that expresses very well the dilemma of any member of the Legislature, any political party, particularly ministers of the Crown—and I am very reluctant to give the Ontario Municipal Board advice as to how they should schedule their cases.

On the other hand, our whole system of parliamentary responsibility is based on the fact that there has to be some minister of the Crown here accountable to this chamber for the manner in which that board conducts its business. Whether it should be me, as it is

at the present time, or someone else, there has to be someone here who is accountable to this chamber and through this chamber to the public for proper administration of the board.

This is a matter that has been of concern to me, not so much in relation to the OMB, because to date, in my view at least, it has not been a problem. But as I set out in our white paper which was tabled a year ago on courts administration, I have long been uncomfortable with the fact that the Ministry of the Attorney General is responsible for the administration of the courts, as a chief litigant before the courts. I find that an even more sensitive area, and it is one that I have stated publicly on more than one occasion, it's very much a part of the white paper that we tabled. All I can say is that I would welcome any suggestions from the members opposite that might help maintain the confidence of the public in boards like the OMB or, indeed, in our court system generally.

**Mr. Cassidy:** Since the subject has been brought up, I have to express very grave concern at the way that the OMB has been working. I want to make a couple of suggestions to the minister and ask why the government has been so slow in taking any effective action to clear up the difficulties which are created by the intrusion of the Ontario Municipal Board into absolutely every major planning decision which has taken place in our major cities.

**Mr. Roy:** That is not what we are talking about. That is not what is in this vote.

**Mr. Cassidy:** The fact is that as things stand right now the intrusion of ministers and political people into the work of a quasi-judicial body seems to have been accepted and yet that would not be acceptable in the case of the courts. I think we have put ourselves into an impossible position because of the undue nature of the authority that the OMB now has.

I would like to suggest to the minister the question that really needs to be raised and that he should be examining, in view of the difficulties and the delays that are being experienced with the OMB, whether the OMB's authority and jurisdiction on many of these planning matters should exist there at all. This is something he needs to study, of course, with his cabinet colleagues, but the fact is that the OMB has emerged as a consistent factor for delay. There is no provable evidence that it is actually improving the nature of decisions that are being made at the local level. Its existence undermines the concept of local autonomy.

Often its decisions are so delayed in time that a bad decision made locally which could



have been turned around through the democratic process would have been better than a so-called good decision which has been made by the OMB, and the OMB's writ itself is not final because of the continual use of appeals to the cabinet from parties who are aggrieved and don't feel that they got what they wanted through the mechanism of the OMB.

I just want to say to the minister that the whole process is a shambles right now, an absolute shambles. It is holding up jobs here in Metropolitan Toronto. I was in Kingston this past week-end and talked to people there and found out there was a grave confrontation going on between the member for Kingston and the Islands (Mr. Norton) and the member for Frontenac-Addington (Mr. McEwen), and even though he is a minister the member for Kingston and the Islands doesn't seem to be able to persuade the cabinet to overrule an OMB decision which awarded the location of a new shopping centre to Kingston township.

Whatever the political consideration may be, Mr. Chairman, that shouldn't exist. That decision should have been made locally in some way, rather than coming to sit here for month after month after month. It is now seven months since the minister for the area, the Hon. Keith Norton, said there would be a decision within a month or two. People in that area are agreed that a regional shopping centre should be built and that it should be built away from the centre of Kingston. They may be right or they may be wrong, but there is a consensus in the area in which almost everybody but the downtown merchants of the area agree.

The OMB was asked to look originally not at whether there should be a shopping centre at all but which location it should occupy. Years later, when there is a desperate need for jobs in that area, that decision is still snarled in red tape which has been created under a body which is controlled by this particular minister.

**Mr. Lewis:** You should send them a sharp reprimand and an order to get on with it.

[3:30]

**Mr. Cassidy:** But to go on from that, I would suggest that the problem is not intervening and telling them to get off their butts. That has grave weaknesses in it, because it means that politicians are telling a quasi-judicial body how to order its business. The real answer is to take the OMB's jurisdiction away, to whittle it down to cases where there is a severe difference of opinion, to have them focus only on the narrow aspects of our problem, rather than the broad ones. Take their

jurisdiction over official plans and over things like the downtown Toronto plan away, and if you wish to put it at the political level, give approval to the Minister of Housing or to this minister. Do not allow the OMB to have this kind of jurisdiction; do not have this luxury of opulent public spending, with lawyers being paid \$1,000 a day and developers spending tens of thousands of dollars for every day of hearings in order that they can try to make their property interest prevail over the democratic decisions that are made by a local city council.

I want to suggest finally that there was a brief period of time when it looked as though the OMB had changed its stripes and had become the protector of citizen interests. That was back in 1969 and 1970. It developed a tremendous reputation on the basis of a very few decisions.

**Mr. Nixon:** If they agree with your stand, they're okay.

**Mr. Lewis:** Well, of course.

**Mr. Cassidy:** The fact is that the body is used and misused by the representatives of property in order to try to make their interests prevail over democratic decisions made by local councils. I think it's about time we put those decisions back at the level of the democratically elected councils and not in the hands of an arbitrarily selected body, a body which is open to political influences, as we've been seeing in its scheduling, a body which has tended to lean consistently in favour of property, and a body which has been an inadequate vehicle for the application of provincial policy, when there are provincial policies to apply.

**Mr. Roy:** He is out of order.

**Mr. Peterson:** I want to bring up with the Attorney General a matter that I'm not very happy about bringing up in estimates, but I think it's necessary. It pertains to the administration of your office. I say to you with respect I don't like to do this, but I want to tell you I think from my experience as an opposition member of Parliament dealing with all of the ministries and all of the ministers, some in a personal way, some in a less personal way, I say to you respectfully that yours is the worst administered that I have personally come across.

I'm just going to cite one little example. I know there is a new deputy minister here and I'm very happy that he's here to hear just an example of a frustration that is not necessary and that in my judgement puts unnecessary pressure on the ministry. These kinds of things just should not happen.



I think you will probably be embarrassed about this little story, not that it's any great deal, but probably it happens far more often than you would be happy to know about. A Mr. Frank Little, who is the solicitor for Fanshawe College in London, wrote to you originally on June 18, 1976, about the appointment of a notary public for that particular institution. Apparently a lot of documents go through that need a notary's signature, so he wrote to you, assuming, I gather, it would be very much a matter of course and just a matter of routine. There were two or three letters from him to you. There was no response.

I ran into him at one point and he said, "Could you help me out?" I said, "Sure I'll try. Maybe you could send me a letter." He sent me a letter on January 28, 1977, over six months later, after no response from your office.

I wrote to you personally, enclosing a copy of his letter, asking, "Could possibly this routine matter just be handled?" There was no response until March 29. That's from, as I said, January 28. The response was addressed this way:

"Mr. David Peterson  
"House of Commons  
"Ottawa, Ontario.

"I wish to acknowledge receipt of your letter regarding Mr. F. H. Little and his request to be appointed notary public. Mr. Little is already a notary public; he is a barrister, solicitor and notary public." It was to have someone else appointed. "I will forward your letter of recommendation to the appropriate officials of my ministry and assure you that Mr. Little will be given every consideration."

Mr. Lewis: Who signed it?

Mr. Peterson: Roy McMurtry.

Mr. Lewis: No, I'd better write your letters from now on.

Mr. Peterson: I understand that you have a lot of correspondence and you're a busy fellow and I was reasonably tolerant up to that point.

As I recall, a week or two after that I came to you personally in the House, as I frequently do with ministers, and I handed you copies of the correspondence to refresh your memory and I said, "Roy, could you please look after this or hand it to the appropriate person?" not wishing to embarrass you or involve you personally in it. But at this point I needed your help. I didn't hear anything. You said, as I recall, "Yes," or "Thank you," or something appropriate in the circumstances, but nothing happened. I wrote

again on July 19. That's another four or five months later—again sending copies of all the relevant correspondence—asking if something could be done.

Eventually, I phoned David Allen in your department whom I knew from the days when he had an honest job, and he checked into the matter and the thing got going. It took roughly a year.

Mr. Lewis: You mean they used influence. One of the AG's aides moved in and used influence.

Mr. Peterson: Far be it from me to suggest that kind of unscrupulous behaviour.

I just use that as an example—and there is more—from my experience. Very rarely is it more than a week or two before I get a response from any minister.

You should not be burdened with this. You shouldn't have to do this. You are a convenient clearing house for a lot of these routine matters. I would ask you to give a little bit of attention to the administration of your office, both for your sake and for the sake of those members who sit opposite and who run into these kind of frustrations.

I hesitated to bring this matter to your attention but I felt that, in view of the fact that this was not an isolated example, you should know about it.

Mr. Lewis: In as public a way as possible.

Mr. Peterson: You may not choose to respond, but it's my judgement that this deserved to be brought out in public now. There's no excuse for this kind of thing.

Mr. Roy: He waited until the cameras were turned off. You're lucky.

Mr. Lewis: Resign.

Hon. Mr. McMurtry: I may be able to provide some additional details, I'm sure, before these estimates are concluded. Personally, I would apologize to the member for what appears to be something of a botch-up. At the same time I should say that I am confident that it's a relatively isolated instance. I'm not suggesting that there aren't others. I know, for example, that this year alone I've received some 13,000 letters. We're operating with basically the staff that my predecessor had but handling at least three or four times the volume of mail. That's not an excuse, as such, because it's our responsibility to increase resources if it's necessary in order to meet the demands of the public.

I have certainly indicated to the members of my staff, whom I happen to have a great deal of confidence in that Legislature correspondence be given priority. Certainly, as I travel about the province, for every com-



plaint we receive—complaints like yours—we receive many, many compliments for the work done and assistance provided, not only from people in this chamber but throughout the province. But I want to assure the members of this chamber that the standing instructions are that any correspondence from members of this Legislature is to be given the highest of priority. Obviously, in your particular case, it was badly handled. But I really do believe, Mr. Chairman, that this is a relatively isolated example.

**Mr. Peterson:** In fairness, your autograph will one day be worth a great deal of money.

**Mr. Warner:** Mr. Chairman, I'll be brief. Relating back to the matter of the Ontario Municipal Board and the present process that we have, and realizing that the minister is aware of the fact that this process was under discussion in the Robarts report, does the ministry intend to make—or has it already made—submission to the Treasurer with some comments about the Ontario Municipal Board and its present functioning? If the minister has a submission, will it include suggestions of some alternatives? Would it, for example, uphold some of the recommendations of the Robarts report on this matter? Or if the minister is not making a submission could he give us some reasons why not?

**Hon. Mr. McMurtry:** As the member appreciates, we not only have the benefit of the Robarts report but we also have the Comay report which seems to sympathize with some of the views expressed by the member for Ottawa Centre. These reports are being considered by the cabinet as a whole. There are a number of ministries which are interested and affected by the operation of the OMB.

I should also like to relate, from my recollection, that insofar as the operation of the OMB is concerned prior to my time here and prior to the time of the member for Scarborough-Ellesmere, there was a select committee of this Legislature that reviewed the operation of the Ontario Municipal Board. It travelled throughout the province and—certainly, as I recall this report which I have not read recently but which I have read—the OMB received a great deal of support throughout the province. This allegation of undue interference with local autonomy was not a matter of great concern to the overwhelming majority of municipalities. The citizens of this province were very supportive, generally, of the work of the OMB. I think, in relation to these planning matters and financial under-

takings of municipalities, it's absolutely essential that there be some uniformity and rationality on a province-wide basis.

I think that the OMB has been very successful in achieving this. Certainly, we recognize that the process can be improved and we are very carefully reviewing the reports which I've just mentioned. There are ongoing discussions in relation to the operations of the OMB and there probably will be some changes down the road. But this is a very important matter and I want to assure the members that it's under review by the cabinet as a whole. I think everyone is very concerned that the process remain a useful one to the citizens of this province and a credible one.

**Mr. Warner:** I'd like to just tidy up a couple of little points about that. In addition to the entire cabinet discussing the merits of the recommendations in the Robarts report, does your ministry intend to submit anything to the Treasurer, either comments on the Ontario Municipal Board, or other matters that are referred to in the report and have some direct relationship to your ministry?

I'm not clear as to what each of the ministries are doing. There are a couple of questions which I placed on the order paper but I know, for example, that the Ministry of Education is in the process of preparing material which it's going to submit to the Treasurer. What I'd like to know is what each of the ministries is doing.

I'm not particularly interested in a debate over the Ontario Municipal Board. We can argue about its effectiveness. We can debate the good points and the bad points. I'm not concerned with that at this juncture. What I want to know is how you are responding to the Robarts report—and yes, inherent in that is the Comay report. When I read over the Robarts report it seemed to me to be saying essentially what the Comay report was saying. I want to know if your ministry is responding in a defined way, to the Treasurer so that your particular innermost thoughts on this matter are being conveyed directly to the Treasurer of Ontario.

**Hon. Mr. McMurtry:** Yes, I can assure the hon. member that we will be and are in the process of responding to matters that have been raised by Mr. Comay and Mr. Robarts. But to reiterate and to emphasize, this is an ongoing process. There are many aspects of the operation of the OMB that are being reviewed, whether or not they were dealt with specifically by those two gentlemen.



Certainly, the ministry will be making submissions throughout this process.

[3:45]

**Mr. Warner:** A final question, if I could: When you have completed those submissions and they are made to the Treasurer of Ontario, will you then table them in the House so that each of us can have a look and have some idea as to what your thoughts are on the Ontario Municipal Board and other related matters?

**Hon. Mr. McMurtry:** No, I don't expect that that will be done. Any documents being prepared are for the consideration of the cabinet. Whatever the decision of cabinet is, it is a decision I will support. I am not interested in tabling documents which at this particular stage will be for the use of my cabinet colleagues. I think it would be very destructive of the cabinet system if cabinet members were to sort of air differences which may or may not exist, and they obviously do exist with many of the issues that come up from day to day. It's certainly not an appropriate part of our system to table such documents.

**Mr. Roy:** I listened with interest to the comments and response from the minister dealing with ministerial intervention, more specifically with the OMB. First of all, maybe I should congratulate you on your latest appointment to the bench in Ottawa. I should mention this to you because for your interest the appointment of Judge Nadelle has received unanimous and universal approval by all people and all segments of the law apparatus in the city of Ottawa and by the press and so on, and you should be made aware of that.

We are hopeful that is an appointment that's going to be in the best interests of the administration of justice in the Ottawa area. When you can get a former Crown Counsel who has spent all of his practice actually as a Crown counsel, who receives universal approval from the members of the defence bar and criminal defence association and so on, it's some indication that things are looking up for the Ottawa bench. It's important because I think you are aware of the problems we had there. I thought I should mention that to you before I get into some of the other factors.

I do want to make comment on your interchange with the member for Brant-Oxford-Norfolk and the comments by you about my leader in relation to the OMB and this type of thing. I appreciate that there's a fine line between intervention and non-intervention with these so-called quasi-

judicial bodies. Unless I am wrong, I always understood one of the purposes or the guidelines of the OMB was it must follow government policy. I thought that was one of the things it had to do. That's the first thing.

The second thing is, as you mentioned, it is a quasi-judicial body. There is some concern on this side of the House about that. We have seen in Ottawa where a minister shouldn't think of picking up the phone and calling up a judge and asking what is or is not going on in a case. When that has been done, we have seen the reaction. There is a difficulty as well with the OMB.

I want to make clear what my colleague, the leader of the Liberal Party, was talking about. The type of intervention was about the speeding up of a process, I understood. As the member for Brant-Oxford-Norfolk said, it related to the hours they were sitting or sitting during holidays and that sort of thing, which I really don't see as anything improper. I was surprised to get your comments because I don't think for a second my leader suggested you should say to counsel or suggest to litigants before the OMB to cut short their argument, cut down the number of witnesses or this type of thing. I don't think there was that suggestion at all.

What he was expressing basically was a concern that major projects were being held up by the bureaucratic apparatus or the delays or the length of time that that particular body was sitting. Surely that is fair comment, and is a worthwhile concern that he's bringing forward. I frankly don't see anything improper about that, especially when you are saying, generally, projects which are job-creating in themselves should not be delayed.

I see that as being different from intervening in a particular case. Again, I understand what you are saying. I didn't read the article in the Toronto Star, but if people have geared up for a particular hearing for so much time, have so many witnesses, and then are advised at the last minute there is going to be a change, I can understand their concern. These are difficult, especially when you have expert witnesses and this type of thing.

The problem with the OMB is—and that's where the fine line comes in—it is getting to a point where just being heard becomes sort of a large benefit, certainly an economic benefit. The delays are so lengthy in that tribunal just the fact one can be heard, or certain accommodations are made for one particular case, is something that can be extremely helpful. As I say, I haven't read the article, but the impression left with the public is, "I wish I could get a set-up like that, where I



could call up somebody and be heard at a particular time."

I think the concern expressed by my colleagues is valid. I can tell you, I have often written to the OMB and asked, "When do you expect to hear this particular case?" or, "When do you expect to hear this other case?" I have inquired of them, but it is a difficult situation. It is something, certainly, that comes back to the rule in law justice must not only be done but must appear to be done. So it is important, especially when the high office of the Attorney General is involved.

The concern expressed by my colleagues certainly is valid. It is something we should reflect upon as to drawing up guidelines when we should and should not intervene. I wouldn't want to be the one who is going to decide to do that, because that would be nearly impossible. As members, as representatives of the public, we have a concern. You as Attorney General represent a constituency as well and you have valid concerns. So when you can and when you can't intervene becomes difficult.

I just wanted to make sure things are not taken out of context when we are discussing that sort of a principle. Things must be kept in a proper perspective. It comes back to your comment about the administration of the courts and the concerns you have about the fact the administration of the courts is under your ministry. There is also a concern that some people might suggest there is not the independence there should be.

But I just ask you this. If, for instance, the court process degenerated and did not serve the public, how does the public, if there is complete independence, gets its point of view across? Who does a citizen who is frustrated by the process go and see? He can't call up the judge; you don't approach judges. Who does he see? How does the public bring forward its concern? I was going to ask how do they bring forward some sort of pressure, but I wouldn't want to use that word when we are talking about the judicial apparatus.

Surely the legislative body, which we are, is the one best suited to reflect the opinions, the concern of the public. There should be some way whereby even the administration apparatus of the court is responsible or at least responds to somebody; that there is somebody over and above them to whom they are supposed to report to, to whom we can address ourselves to express these particular concerns.

I see quite a difference between that and intervening in a particular case, or making suggestions such as, "In all rape trials from now on we suggest sentences should be such

and such a length of time." If we are in a mood to do that on legislation within our jurisdiction, we just have to pass laws. I can understand it is not for the Attorney General to start issuing that type of guideline to judges. That would be interfering with the process,

But for the Attorney General to express a valid concern about delays in the courts, or in fact what you have done, is valid. Wasn't it your ministry that released, sometime in mid-October, a report indicating on an average judges were sitting only 3.5 hours on the bench? I take it that was released by your ministry—I intend to come back to these statistics, Mr. Chairman. Surely the judiciary can keep their independence and still be responsible to a ministry, be responsible to us, who are, in fact, representatives of the public. We who represent the public should have some way to have some input and make suggestions to the Attorney General of the province as to certain administrative procedures which we consider to be delaying the courts, and changes that we can make in the courts.

I'm suggesting, in fact, it would not be a good idea to take away the administration of the courts from the Attorney General and just have them sort of quasi-independent. After that point how do I or other members of this Legislature express our concern if there is not a responsible minister we can sort of get at and make suggestions to about what we consider to be deficiencies within the process?

I'm really concerned about that, because I have all the confidence in the world in the judiciary. I respect the people who are named there. The appointments are getting better all the time and I think they are responding more to the need of the community. But the fact does remain, there is some insulation that takes place once you start calling somebody "Your Lordship" or "Your Honour" or whatever. There's something that happens to an individual, no matter how objective and how sensible he is, when you start putting him up on a chair higher than the rest of his colleagues and when he's sitting in judgement of others. That concerns me. It really does and there must be some way for those of us who are deeply concerned, to express that concern. We don't want to interfere in a particular case, but the fact does remain that the courts, the administration of justice, and the judges are there to serve the public.

It's not that long ago that a lot of judges had this all misplaced. They thought the courts were there to serve their convenience.

I'm sure you've experienced that with certain judges who felt you sat at hours which were convenient for them and you appeared in court when it was convenient for them. Whenever it became a certain time of the day, it was time to go home. That sort of thing happened.

We can't tolerate that. We can't tolerate that any more. I say by not doing so, we're not interfering. We can't be said to be interfering in the independence of the judiciary.

I want to make these comments because, frankly, I appreciate there's a fine line. It's a difficult role for the Attorney General to be playing. But I think some of these concerns we have need to be expressed, Mr. Chairman.

**Mr. Davison:** I wanted to ask the Attorney General some questions in regard to his opinion of and his involvement with the Ontario Legal Aid plan. Would it be appropriate to deal with that under this vote?

**Mr. Chairman:** I will admit we do stray a little on item 1.

**Mr. Davison:** I noticed that.

**Mr. Chairman:** If he might have the proper staff here at that time, it might be a little better.

**Mr. Davison:** They're not very detailed questions, Mr. Chairman. They really are questions on which I would like the Attorney General's personal opinion rather than staff opinion. They're not detailed questions. They're not difficult questions.

**Mr. Chairman:** I'd like to ask the Attorney General if he feels it would be better to discuss Legal Aid under a different vote.

**Hon. Mr. McMurtry:** It probably would be a more orderly way to handle it, but I'm quite prepared to try to deal with these questions. We don't have, as has been pointed out, all our staff in relation to questions, but if they're of a general nature, hopefully I'll be able to respond to them.

**Mr. Nixon:** On a point of order, would you direct us to the item where Legal Aid questions might come otherwise? That is questions of a non-general and more specific type; is there a vote?

**Hon. Mr. McMurtry:** Vote 1302, items 1 or 2.

**Mr. Nixon:** Financial services?

**Hon. Mr. McMurtry:** Vote 1302, item 1.

**Mr. Chairman:** Item 1, yes.

[4:00]

**Hon. Mr. McMurtry:** We have all of the contributions relating to the Ontario Legal Aid Fund et cetera on page 17.

**Mr. Chairman:** Would the member for Hamilton Centre be agreeable to hold—

**Mr. Davison:** My questions are so brief I could have asked them by now, and I guarantee the Attorney General they are almost superficial. May I proceed?

**Mr. Chairman:** If they are that brief, go ahead.

**Mr. Davison:** Thank you. I am concerned about the Legal Aid establishment in Hamilton, I believe in one of our posh downtown office buildings. I am concerned about the inability of my constituents to get access to Legal Aid in terms of hours and in terms of Hamilton being a community in which many of the people don't use English as their first language. The hours problem perhaps bothers me more.

The Legal Aid office in Hamilton—I don't know if the Attorney General is aware of this—is only open Monday to Friday, 10 a.m. to 12 p.m. and 2 p.m. to 4 p.m. If a chap is trying to hold down a job, working in a steel mill or one of the other plants in Hamilton and he is not on shifts, it means he has to take time off work to go in there. Unless you are a businessman claiming for bankruptcy and have nothing better to do, I am not quite sure how you get access in that kind of a situation without causing some financial difficulties.

I am also concerned about the inability of the Legal Aid structure to deal with people who aren't comfortable with English.

I am concerned as well about the process of selection of the area committees in Legal Aid.

**Mr. Roy:** I thought this was going to be just a little question.

**Mr. Davison:** It is; it's a couple of little questions.

When I talked to the director in Hamilton, he assured me they had equal representation of lawyers and citizens. The little book, the annual report 1977, shows that equal representation is 10 lawyers and seven citizens. It may take 10 lawyers to equal seven citizens, but I notice that other areas didn't have that kind of representation but rather had representation only from solicitors. Perhaps the Attorney General could explain to me how those area committees are structured and what guidelines, if any, there are.

Finally, there is the question of recommending people to Legal Aid. Over the course of the past few months I have written to the Attorney General a couple of times



seeking his advice on legal matters on behalf of constituents. He has advised me to refer them to Legal Aid; it then becomes my decision whether or not I pass his advice along to my constituents.

What I am concerned about is what advice he gives when one of my constituents might write to the Attorney General without having talked to me. Does his office explain to that individual that while the official Ontario Legal Aid Plan can be approached at such-and-such an address and the contact person is So-and-so, there are other places in Hamilton-Wentworth where that individual can get similar services? For example, the Hamilton Multicultural Centre and the Strathcona community project provide services under the auspices of the plan, I believe.

Perhaps the Attorney General could address himself to those concerns for a moment or two.

**Hon. Mr. McMurtry:** Dealing with the last question first, we would not necessarily know what other community resources there might be in Hamilton or another community in relation to providing legal services outside the Legal Aid Plan, so I would doubt very much that we would pass on that information. Our responsibilities really are in respect to the funding of the Legal Aid Plan, which in turn is administered by the Law Society. We do not administer the plan, as I think the hon. member knows.

I will certainly pass on the hon. member's concerns to the treasurer and the chairman of the Legal Aid committee of the Law Society, your concerns with respect to the matter of access. I think that's a very legitimate concern. I do not question what you said in relation to what the hours are in Hamilton, but at the same time we will try to find out for you what, generally speaking, are the hours in Legal Aid offices throughout the province. Again, this is a matter for the Law Society in the final analysis, insofar as the administration of the plans is concerned.

So far as the selection of the area committees, there is no firm rule of thumb. It states that they must be on a 50-50 percentage between members of the Law Society and members of the public. I think what the Law Society has attempted to do is to develop a reasonable balance on these area committees between the community as a whole and the legal profession.

I think in many areas it does work out to a 50-50 balance, but it is not an arbitrary rule of thumb, because again it is important to get people who are going to make a valuable contribution. Our experience has been that it is often easier to find people who want to

make a genuine contribution within the legal profession, because of the nature of their work, than among members of the community as a whole.

Again, at this time, I want to state that a great many lawyers in this province contribute a great deal of time and effort to the administration of the Legal Aid plan and it would be very costly if we were to reproduce their contribution by public or civil servants. I just detected in your remarks a lack of enthusiasm for the participation of lawyers in the Legal Aid plan. I think we should recognize that many lawyers in this province have made a very substantial contribution, for which they have received no compensation whatsoever, to the administration of this plan in the public interest. I just think that this is the appropriate time. We are going to come back to this, but I just want to emphasize that fact.

**Mr. Nixon:** I want to pursue with the Attorney General the matter that was raised in question period today, and that is the advice given to him by the law officers of the Crown, on the possibility that it had been before the Attorney General's predecessor and must have been presented to him, on taking some action against the person named Armstrong who is referred to in the article in the Star on Saturday. I can talk about it more but I think the Attorney General knows what I am talking about.

I have no objection at all to the answer the Attorney General gave when he said he cannot make the advice from his senior officials public, because some might have advised prosecution and others might not and obviously it is for the Attorney General to balance the advice he received and to speak for the government as the chief law officer.

I do, however, think it is his responsibility to satisfy the community, and in the same vein the members of this House, as to why he took a decision under certain circumstances. Unfortunately or fortunately, depending on where you sit I suppose, the opposition members, like the members in the community at large, do not have access to information of this type.

The Attorney General may very well recall that just prior to the election of 1975 and afterwards there were many interesting events going on in Mississauga. There was no way whereby any information that we could count on was available to members in the opposition, other than through the newspapers. The minister may recall that Mississauga, by action of the council, established under a section of the Municipal Act a judicial inquiry as to the sources of certain prob-



lems that they had somehow observed in their own area. We couldn't find out what those problems were.

Now we read in the *Toronto Star* on Saturday that this person named Armstrong was supposed to have contacted the Treasurer of Ontario (Mr. McKeough) and asked the Treasurer to contact the Municipal Board to expedite a hearing having to do with an approval for a certain development in Mississauga.

We've already discussed as to whether or not the Treasurer should have done anything in that regard, and we realize in the minds of some members at least there is a problem there that faces the members of the ministry as well as private members, although there is—we believe, or I believe—a qualitative difference. But when we understand that this person named Armstrong billed the developer for \$25,000 indicating that he had used his influence to procure this valuable favour for the developer named Davis, was it? —Davies. Sorry, I didn't mean to bring any coughing spells on you.

The minister indicated he had looked into this very carefully and had got the best advice that was available to him from his senior colleagues, and that his predecessor decided to take no action and that he decided to take no action.

The member for Ottawa East (Mr. Roy) has already referred in the question period, along with my leader, to the fact that there is a clear section in the Criminal Code making it a serious offence, a criminal offence, even to indicate that you have political influence for sale, and this person evidently had sent a bill for \$25,000. When the minister indicates he had good advice not to take action, and then said he would not give the information to the House that had been given to him, I can understand why he wouldn't want at least to table those opinions. But it's just not good enough to think that this is going to fade away. We're going to have to have some more information.

It was a big political issue in those days. It may be again, but in a sense it's clearly two years old. The municipal administration has changed out there and it might have been on that very basis. I'll tell the House, the mayor and some members of the corporation were considered to be ineffectual, a bit naive, and maybe they were in these matters. The action, or perhaps the lack of action of this government, in allowing a hearing before the divisional court which was brought by certain members of council and citizens in Mississauga, resulted in getting the hearings or the

investigation quashed, if that's the correct term in that connection.

The judge who had already been appointed—the Attorney General may recall—had in a letter indicated that, from the hearings that had already been undertaken, he felt there was reason to continue the investigation. We were told in the House that the judge was being disciplined by the senior judge for indicating in his letter that that was the case. It may have been an action was brought against him, as I recall, for contempt of court. It was a very serious and mixed-up matter, particularly to us as members of the House.

It was raised in the House a number of times and I recall after much of this settled away, in the Attorney General's first estimates, I happened to be there much as I am today, taking some interest in it, but in no way a leading interest and asking the new Attorney General about that matter. It so happened that the member for Mississauga East was also present and joined in the discussion. I can remember being quite reassured, although no further information was forthcoming, that the government had taken a reasonable position in connection with this. But we are not provided with any of the information. It was a major public situation and now it rises again.

[4:15]

I guess what I'm asking the Attorney General is to appreciate our—my—position in a matter like this. It is not possible to allow it just to sink once again below the calm waters of the Mississauga mill pond. We are going to want to know specifically why the Attorney General or his predecessor did not take specific action in response to the specific case that was described in Saturday's *Star*. I do believe we should expect, as members of this House, to be able to peruse at least some documents, even if it is just the opinion of the Attorney General put before the House as to why no action was taken at that time.

**Hon. Mr. McMurtry:** It might surprise the former leader of the Liberal Party that I was also a candidate in that 1975 election and was not aware of any political issue relating to Mississauga. As a matter of fact, I do recall there were some questions directed to me in relation to the inquiry generally. At no time, interestingly enough, was any question directed to me, prior to today, in relation to criminal charges in respect of the individual you've just mentioned.

**Mr. Nixon:** I never heard his name until I read the paper.



**Mr. Roy:** We didn't have the information. That's normal.

**Hon. Mr. McMurtry:** I don't know what information had been made available to the judicial inquiry. Certainly the members opposite were not totally without their sources in relation to that inquiry.

**Mr. Nixon:** There is probably a misunderstanding in that direction.

**Hon. Mr. McMurtry:** Be that as it may, I did not have occasion, and I'm just happy to clarify the record, to consider until this past week even the fact that a decision had been made, as I recall it, in relation to that one individual. It was not something I recall directing my mind to at any time because the matter was never raised. I might have seen something in a file. I might not have. I have no recollection of it, but certainly the matter was raised.

The representatives of the Toronto Star came to me. I spent considerable time with them indicating to them, with the assistance of the file, what had transpired so far as the laying or not laying of criminal charges, because they obviously had devoted a great deal of time to it. It's not a question of allowing it to, or hoping it will, sink below the surface. The decision to prosecute was made, as I've already stated, by senior officers of the Crown, reviewing it independently.

**Mr. Nixon:** That would be that a recommendation not to prosecute was made by them, was it not?

**Hon. Mr. Murtry:** Obviously, the police had come to them for advice. At this juncture, I also want to make it very clear that the police at all times were free to lay any charges. I think this is very important to understand that in the process in this province, unlike some other provinces, the police are free to lay charges without consulting a Crown attorney. Indeed it may often be their duty to lay charges.

**Mr. Roy:** In most obvious cases they do.

**Hon. Mr. McMurtry:** Also, an individual might well approach a justice of the peace, such as the man Davies might approach a justice of the peace, and seek to lay a criminal charge. There are a number of routes through which criminal charges can be made. I do know, as I said earlier, that the senior law officers of the Crown were consulted in the matter. The decision was made and the recommendation was made to my predecessor that in their view charges would not likely succeed. That did not bind the hands of the police or anyone else, so far as laying charges go, but that was the

advice that was received, as I recall, back in September 1975.

I don't recall today, having reviewed the file, all the details of it. I made it quite clear to the members of this House I would like to review the matter before determining what is going to be in the public interest, balancing the public interest with the rights of individuals to be protected against allegations that might be unfounded. Therefore, you can appreciate, and I think the member does appreciate, the sensitivity of these issues in discussing any opinions that have been given with respect to the laying of criminal charges. That was our interest in the matter. It was to be advised as to whether there was any evidence of criminality that might warrant the laying of criminal charges.

So far as the inquiry itself was concerned, the divisional court struck down the inquiry, if I might put it that way, in layman's terms, on the basis as I recall, that the court used the expression "denial of natural justice," but I want to emphasize the fact that it was still within the authority, as I understand it, for the township council in Mississauga to reconstitute the inquiry, which it never chose to do.

**Mr. Roy:** I didn't think they had jurisdiction.

**Hon. Mr. McMurtry:** Yes, it was the manner in which they framed the inquiry, and the divisional court made it quite clear that it was free for them to reconstitute the inquiry. So far as the judge was concerned, I don't recall any event that could be properly or fairly described as disciplining the judge. I know that the judge did suggest that at some point in time—and this was made public and the question was asked of me in this Legislature—certain information had come to him which, notwithstanding the decision of the divisional court, warranted a further inquiry.

**Mr. Nixon:** It wasn't a suggestion. It was written in a letter signed by the judge.

**Hon. Mr. McMurtry:** All right, we'll say it was written. I don't recall the form in which it was communicated. I believe I gave the answer in this Legislature some time ago that upon learning that fact I wrote the chief judge of the county court and indicated it was my view as the Attorney General that if the judge did have information that would warrant a further investigation insofar as the possibility of criminal offences was concerned, then it was my respectful opinion, as the Attorney General of the province, that the judge had a re-



sponsibility to communicate this information to the Ontario Provincial Police.

I received a reply from the chief judge, Judge Colter, some weeks later stating that he had discussed the matter with Judge Stortini and Judge Stortini said that he had no information other than what was contained in the files. These files were reviewed by the Ontario Provincial Police in order to determine, first, whether there was any evidence of criminal behaviour or, second, whether there was any evidence which would warrant a further investigation. Their conclusion was that there was not.

At the request of the solicitor for Mississauga—I should say the request of the Mississauga council, because the resolution was passed by the council and was communicated to me by the solicitor, requesting the return of all the documents to the Mississauga council. That was, in fact, done.

**Mr. Nixon:** How did you get them?

**Hon. Mr. McMurtry:** As I recall the sequence of events, the judge and his counsel caused the documents to be delivered to an official in my ministry. It was at that point that we arranged to have the Ontario Provincial Police review all of the documents because of the interest and because, quite frankly, of all the rumours that were flying about. I remember Inspector Pelissero of the Ontario Provincial Police was in charge of that investigation. He and his staff reviewed the documents and made a report.

**Mr. Roy:** What did the report say?

**Mr. Nixon:** One other thing that I would like to ask in this connection is that the Attorney General indicated that, with the reporters from the Star, he'd gone through the file quite carefully indicating why his predecessor had not taken action against Armstrong.

**Hon. Mr. McMurtry:** That's not quite what I said.

**Mr. Nixon:** No, but that's the impression I got. One of my problems is I can't understand why you didn't take action against him. If he had billed the developer for \$25,000 for using his influence to have the Municipal Board speed up the hearing—I mean, there has got to be something we don't know, maybe quite a bit.

**Hon. Mr. McMurtry:** The matter we just referred to is one of a number of matters that was of interest to the journalist from the Toronto Star. At this moment, I don't recall all the facts in relation to the bill that was purportedly sent from Armstrong to Davies.

I am told—and I don't know what I recall from the newspaper report and what I recall from anything I may have seen in our file—there was a suggestion by Armstrong that he felt he was owed some money as a result of an alleged partnership. I gather there was no effort to collect the money. To what extent this \$25,000 was related to any information or any assistance he had provided Mr. Davies, I just don't simply recall all the details at this moment. I will attempt as I indicated earlier in the day to secure sufficient details to assist the members of this House as to why this opinion was arrived at.

**Mr. Roy:** Can I make this comment to the Attorney General about the few matters raised by my colleague? Section 110 is a section that some of us are quite familiar with. This dates back to the famous Fidinam situation. Mr. Chairman, I say to your predecessors—and I guess the present Attorney General was not then in the House; Mr. Bales was the Attorney General at that time and—

**Mr. Lewis:** The documents were probably left in the chairman's office.

**Mr. Roy:** Probably.

**Mr. Lewis:** Everything ends up in the Rotenberg file.

**Mr. Roy:** In any event, Mr. Chairman, I had occasion at that time to review very carefully section 110. I can tell you there have not been many prosecutions under that section. I frankly don't know why.

But I can say to the Attorney General, we had raised quite a fuss at that time. This was a situation where a gift of \$50,000 was made to the Conservative Party through the intervention of Mr. Kelly. You will recall at that time—certainly my colleagues will—the thing that was interesting there was when the Swiss company made a request of the Canadian subsidiary to find out what the money was for, there was a Telex that said: "\$50,000 to Kelly re contract WCP"—the Workmen's Compensation Board building. So there it appeared to us to be a prima facie case of a gift, and the reason for the gift, and so on.

The Attorney General at that time, my colleagues will recall with great reluctance, said he saw nothing wrong with that, that he wasn't going to investigate. But then he changed his mind a couple of days later and said, "Transfer this to the senior law officers of the Crown." They gave an opinion, which was provided to us at that point, why they felt that there was not a prima facie case and why prosecution should not go forward.



**Mr. Nixon:** Everything was okay, they said.

**Mr. Roy:** As I recall, the problem with that particular case was the veracity or the validity of the telegram. It was alleged that the telegram did not reflect what actually took place—this was done by some junior official down the line at the Fidinam offices. As I recall it was Clay Powell who prepared this opinion and we were supplied with a copy of his opinion as to why a prosecution should not take place.

[4:30]

When you get this type of intervention, where somebody makes an approach and something happens which gives weight, the date is set and that, and then he bills for it, it sounds like a pretty strong *prima facie* case of an offence under section 110 of the Criminal Code; I don't know what subsection it is.

This is not the first instance. We have had the Fidinam case, we have had this case. You will recall during this election there was an inquiry and we'll get to that one later on. But there is a royal commission, isn't there, looking into another dump site?

**Mr. Nixon:** It hasn't been very active yet.

**Mr. Roy:** This happened just at the start of the election, as I recall.

**Mr. Lewis:** Though if this Mississauga stuff had come out in September 1975 we all would have walked the high road while you went under.

**Mr. Roy:** That's right, that's right. He would be asking me questions, and I would be turning him aside with impunity.

**Mr. Nixon:** A royal commission would still have been having hearings.

**Mr. Roy:** We would have established royal commissions all over. But in any event, I want to say to the Attorney General there is a precedent for being provided with an opinion, once you are given facts which seem to establish a *prima facie* case, especially when it is as touchy as this. The role of the Attorney General is difficult. I say with great respect, your predecessor, Mr. Bales, and I don't want to unduly malign him as he's not here, originally did not perceive the importance of his role as chief law officer for the Crown. It didn't strike him at that point on Fidinam that there appeared to be something which was not correct, which required his intervention as chief law officer for the Crown. It was not his role, for instance, to look at the fact it was the Conservative Party involved and that he should be careful. I am not making that suggestion to you.

But because of that situation, he did refer to his officials and he did provide us, when a decision was made, with an opinion of the law officers.

With regard to your comments if the Crown attorney or his officials say they don't think there is much sense prosecuting, that in their opinion you require certain essentials to prove an offence and they don't think you will be successful, the police generally follow that. And I don't think a Crown attorney who was under the impression there had already been an opinion from the ministry the charge would not be successful would show too much enthusiasm for the police going ahead and prosecuting a charge, knowing there had already been an opinion that the officials didn't believe they would be successful.

You are right, of course, it is always open to the individual involved, to a lay person, to make a charge, or to deposit information to a justice of the peace. But again, one has to be careful in these matters. I can recall in Fidinam there was some suggestion that I go ahead and lay a charge, or swear out an information on the evidence heard. But I didn't want to use the courts for what appeared to be partisan political purposes. We must be careful about doing that as well.

Generally speaking, the opinion is exceedingly important, because the police will follow it. That's why they in fact come for an opinion, especially under section 110 of the Code. This is not a break and enter charge where the essentials are relatively simple. Under that section it is difficult, as there is not that much jurisprudence under that section of the Criminal Code. So it becomes important the public understand why it is, given these facts, there was a suggestion charges not be laid.

**Mr. Cunningham:** If I could just ask a couple of questions. One of my questions, Mr. Minister, revolves around a letter I believe you were privy to, directed to you by the judge. It's the allusion I get from a press report, I guess dated November 28, 1975; you think the letter you received from the judge was at the direction of Martin Dobkin, mayor of Mississauga. Of course, I appreciate how the press make mistakes, but you allude that this letter was written at the request of Mr. Dobkin. The implication would be that it was the view of the mayor of Mississauga, not the view of Judge Stortini, that further investigation be warranted.

I would like to ask you, just to start, on what basis you make that assumption? Are



you of the view that a judge in any jurisdiction would write such a letter, given the fact that there are a lot of political overtones to this whole discussion and there will probably continue to be? Do you think that a judge in any jurisdiction of this country would write a letter with that kind of political motivation in mind, and, in fact, undermine his personal integrity to that effect? That's a question I'd like to ask you right now if I could.

**Hon. Mr. McMurtry:** Simply, my response is I have nothing more that I can, I think, usefully add at this time to what I've already said about this matter.

I've indicated to the members opposite, insofar as the Armstrong matter is concerned, that I would attempt to assist them further with respect to why that decision was arrived at. Insofar as the role of the judge who is conducting the inquiry is concerned, I don't think there's anything further that I can add to what I've already said.

**Mr. Cunningham:** Sir, if I may, I'd like to pursue this. I don't want to belabour the point, but I'm basically asking you a somewhat simple question. You'll pardon me, I'm not a lawyer and I suppose I don't have these skills necessary to extract an answer from the hon. Attorney General, at least in a legal fashion. But I'd like to know if you are of the view that a judge in any jurisdiction, especially in the province of Ontario, would write a letter with the political motivation inherent and the implications that you make, at least in your press account of November 28, 1975?

Would you not have to accept on face value that in the intent of the judge's letter there was some sincerity, some real concern, or are you really of the view that this was a politically motivated letter and that he was motivated entirely by the mayor of Mississauga?

**Hon. Mr. McMurtry:** At no time did I attribute any political motivation to the judge, and indeed, when I learned of the letter, I took the course of action that I've just outlined. That was to write to the chief judge of the county court of the province of Ontario, indicating our interest in what additional information may be available in order that the Ontario Provincial Police might investigate it.

At no time did we attribute or intend to attribute any political motivation on the part of the judge who was conducting this inquiry in Mississauga. We took his letter seriously and responded in the manner which I've just outlined.

**Mr. Cunningham:** Why, may I ask, would you say—and I'm quoting here from—

**Hon. Mr. McMurtry:** I think I can shorten this thing up. I have no intention of commenting further on some photostat of a press report, Mr. Chairman. If you want me—

**Mr. Cunningham:** I'll send it to the hon. Attorney General. He can examine it himself. I'm sure he has a file on it.

I want to ask you one more thing. The basis of my question is this: As a legislator in this province, I am concerned about this. I am concerned about the efficacy of an individual's making a representation, or at least holding himself out to have some great power, some great influence, with regard to the Ontario Municipal Board or any other governmental agency. The fact that that individual may have obtained some consideration for that draws me to personally conclude that charges should have been laid.

What I'd like to know from you, Mr. Attorney General, is this: Would you share with members of the opposition parties your report from the OPP so that we might judge for ourselves just to what extent this has been properly investigated?

**Hon. Mr. McMurtry:** No, I have no intention of doing that, Mr. Chairman. It would be totally improper for an Attorney General to table police reports in this Legislature and it would be very much against the public interest to do so.

**Mr. Roy:** I wanted to say, Mr. Chairman, on item 1, of course, I appreciate that it's difficult for you to know the range of that item, but when we're discussing the Attorney General, the general office, there are a number of matters, of course, that fit with difficulty.

I yield the floor to my colleague, the leader of the NDP.

**Mr. Lewis:** Mr. Chairman, I just want to speak for a moment, a minute and a half, to the Attorney General in the presence of his officials.

Because this item started off so badly for you, with that evisceration of your administration by the member for London Centre, I thought I should at least correct the record. I want to say with only half-tongue in cheek that when my life and limb were in peril over the summer months and early fall and I turned to various police forces in Ontario to seek succour and comfort, I had great difficulty. But when I turned to the Deputy Attorney General the response was instantaneous and very much appreciated. It persuaded me that I had much to approve of and to appreciate in the administration of justice at the most senior level.



I am talking very elliptically but it is at least understood by those who are here in the House. I just want it on the record to say that if any of us in this Legislature have fear for our physical presence, just put yourself in the hands of Roy McMurtry and all is relatively well—indeed, in the hands of his officials as well. I want specifically to thank the Deputy Attorney General on this occasion.

**Mr. Roy:** I am not sure what my colleague, the leader of the NDP was referring to. In any event, any flowers thrown in that direction, considering the nature of that office I suppose, are well deserved. I do want to mention to my colleagues here that we still have a date, do we, on Wednesday afternoon in the court?

**Hon. Mr. McMurtry:** We still have a date but we may have to adjust it.

**Mr. Roy:** I would hate to see you backing out from this challenge. There will be no physical violence of any sort.

When we get into some of these items it becomes difficult, when we discuss certain questions of general broad policy, to know exactly where to fit these items. I do want to discuss one of the matters and I would like the opinion of the Attorney General on this.

You may recall when I made my opening comments I referred, I suppose to a certain point with tongue in cheek, to some of your comments on some of the matters I was concerned about in your tenure of office last year. One of the comments I have been concerned about was you mentioned something about a possible padlock law for Ontario, to make owners of premises responsible for the activities going on on these premises. This was spurred on by what was going on on Yonge Street in the city of Toronto, the fact that many establishments had been allowed to be set up which, it boiled down to, were obviously just fronts for prostitution. I am referring basically to all of the rub parlours which had been set up on Yonge Street. I suppose they weren't only rub parlours; there was a whole variety of things, nude encounters and photographs and the whole thing.

There were certain comments made which are of concern to me. I can recall when I first got here in 1971, Yonge Street was relatively tame. In the short period of four or five years the situation changed. I suppose it was in line with the libertarian approach existing in society that on the basis of civil rights you weren't interfering with certain activities and with the freedom of individuals

to do what they pleased. All at once you had all these establishments mushrooming on Yonge Street.

Then there was the unfortunate incident involving a young man for which people are now up before the courts, this alleged murder of a young individual. Panic set in.

I am always afraid of justice in those circumstances. When the pressure becomes somewhat untrammelled, when you get an incident of this nature, which gets caught up and where politicians want to get in on the act, statements are made, actions are taken and suggestions are made by leaders of this community which sometimes are disproportionate with what they're trying to control or the end they are trying to meet. Statements, in fact, which sometimes are pure hysteria.

[4:45]

I'm concerned about that because we've worked a long time to establish a system of justice in this province and in this country, and which in my opinion is second to none in the world, including the safeguards for individuals and the whole process. In fact, we're spending time now looking whether the process sometimes doesn't happen to be an impediment to justice, rather than a vehicle.

In any event, we have all this process set up. Then you get incidents like the press and the untrammelled enthusiasm of local politicians getting in on the bandwagon to talk about the vice and sin going on on Yonge Street. Some of the statements made at that time, I thought were something I should raise and get your comments about. One of them was your suggestion that owners should be made responsible. I could see the concern and danger of something like that. I think you recall the Globe and Mail had an editorial which was somewhat critical of your approach about that. I must say as an aside, I found the local politicians somewhat cynical and I suppose I should put that on the record. I don't want to unduly malign people who can't defend themselves here in the House—

**Mr. Wildman:** Don't say anything about the Minister of Energy.

**Mr. Roy:** —but they're public officials and I suppose if they feel I am saying something that is not warranted they have their platform and I have mine. But I want to say the local officials here, who were in power during all the time these things were going on, and the parlours were being set up, and everything else didn't do much. It was under their administration. It was not as though they were new boys and it was a new administration coming in and they were going



to clean up the city. These same fellows allowed the situation to deteriorate. All at once they reacted just as though this had sprung up overnight. Then, at that point, many of the individuals who had been crying for civil rights and the liberty of the individual were the first ones who were prepared to run roughshod over the liberty or the rights of certain individuals implicated in that.

I don't intend to name names, but I found it interesting, for instance, that even some of the left-wing members of that council all at once, when the situation got carried away, were among these individuals.

**Mr. Gaunt:** Sewell.

**Mr. Roy:** Sewell would be one of them who was saying, "Hey, look what's going on. Certain steps should be taken." I could recall the mayor during the time most of these establishments set up. If they were so concerned, they had laws in existence. In my opinion the enforcement of these laws may have well curtailed some of these activities. But nevertheless they wanted extra powers.

The chairman of Metro, Mr. Godfrey and the mayor, David Crombie, and a controller from Etobicoke, controller Winfield Stockwell wanted to have a meeting with the Attorney General of Canada. I think the suggestion was made that at this meeting they wanted to convince the Attorney General of Canada to amend the Criminal Code to sort of give a local option to various municipalities to control nudity. One of the local options Metro wanted here in Toronto was total prohibition and legislation to deal with the nude industry. That was a comment that was made at that time.

It struck me, where are we going? Are we going to start having a Criminal Code whose enforcement is going to depend on local options? That, for instance, what the local elected officials in Toronto decide is nude is not permissible, whereas it's permissible in Hamilton and it's not permissible in Ottawa and that sort of thing? I'd like your comments about that sort of statement because it bothers me to no end that statements like that are made.

I want to know if you agree with me that the Criminal Code of Canada in an area as difficult as pornography, nudity and so on is something that maybe should be left at local option, because it seems to be so dependent on whatever the community standards happen to be in the month of November 1977 in Toronto. Does the Attorney General agree with my feeling on this, that when we're dealing with criminal offences, the Criminal Code is not something that should be com-

promised or that it should be left up to some local official to decide whether or not this is a criminal offence in his area or not a criminal offence? Does he agree that the Criminal Code should have universal application right across this country?

There is, of course, a great danger in leaving it to locally elected officials to decide whether a particular offence should be an offence in fact in an area because, as I say, there should be some responsibility on the part of the judiciary towards a community. On the other hand, I feel that to leave the responsibility to decide what is a criminal offence on locally elected politicians is not a good idea either.

I must tell the Attorney General as an aside the reason this bothers me so much. I don't know if he watches a tremendous program on television on Sunday evening at 7 on CBS. It's called "60 Minutes," and some of the programs are excellent. Last night they had one on the chief of police of Los Angeles.

**Mr. Samis:** Not San Francisco?

**Mr. Roy:** This individual makes Hitler look like a left-winger, actually. What I found interesting was some of the things he was doing—

**Mr. Mancini:** I'd vote for him.

**Mr. Roy:** Well, my colleague had better not—

**Mr. Foulds:** On a point of personal privilege, Mr. Chairman, a comparison of left-wingers and Hitler is a bit much, even in the Justice estimates.

**Mr. Roy:** What I found interesting was that this fellow, this chief of police of Los Angeles—

**Mr. Wildman:** Remo says he would vote for him.

**Mr. Roy:** —was saying openly that he wanted to be the governor. He was going to run for governor of California. He took pretty right-wing positions on all sorts of things; one of the more interesting ones was that he's got a real campaign against gays in the area of Los Angeles.

**Mr. Wildman:** Does he drink orange juice?

**Mr. Roy:** He wrote a letter to the present governor, Gerry Brown, saying to him in the letter something to the effect of "Dear Gerry, I'm glad to see you've now got a girlfriend. I hope your parents are proud of that. I'm very happy for you. Congratulations." He was sort of leaving the impression—but this is from the chief of police of Los Angeles to the governor, against whom he's



going to be running in the next gubernatorial election.

**Mr. Samis:** Imagine if it was the chief of police of San Francisco.

**Mr. Roy:** It comes back to the fact that we've got a good system of justice here, and I wonder whether the minister would say whether he's against that sort of option when it comes to criminal offences.

**Hon. Mr. McMurtry:** I certainly would be opposed to any local option in relation to the criminal law of this country. Obviously the criminal law must be applied uniformly, not only throughout the province but throughout the country. To me, the suggestion is absolutely unacceptable that an activity would be considered a criminal offence in one part of the province and not in another. I think any statement in support of that would have to be dismissed as rather foolish at the very least.

The member for Ottawa East attributed to me some statement favouring a padlock law throughout the province. I want to set the record straight. I don't recall using that expression, "padlock law," at any time.

In the aftermath of the Emanuel Jaques killing there was understandable public outrage in relation to this very vicious deed, particularly as it appeared to relate to the extent to which Yonge Street had deteriorated in recent years. Certainly during various exchanges of views with members of the public and members of the media I did volunteer the suggestion that one of the things we would have to look at would be the degree of responsibility which should have to be accepted by the owner of premises in relation to the nature of the activity that was being conducted therein.

For example, the position that was well known on Yonge Street was that one outfit would be closed down and they would, perhaps, start business in the same premises under a different corporate shell. I think we would all agree in relation to this matter that the defence of "See no evil, hear no evil," should not necessarily always be open to landlords. Certainly, a part of my participation in the public discussion was to throw out the thought that there may very well have to be some responsibility on the part of landlords who should have some knowledge as to the nature of the activity that's carried on within their premises.

Actually, what I was ruminating about turned out to have some basis in law already, because upon review of the Disorderly Houses Act counsel for the Municipality of Metropolitan Toronto—formerly counsel with the Ministry of the Attorney General—found

existing authority. As a matter of fact, I believe that we may have suggested that that Act might be relevant. As a result, counsel did apply to the court and, following convictions of certain individuals carrying on business in certain locations, certain places were closed pending the posting of some sort of bond. Certainly, a great deal has been accomplished.

The extent to which one should attribute knowledge of a landlord, who may be an absentee landlord, to the nature of activity carried on within a commercial premises is, of course, a very difficult subject. At all times, when responding to these questions, I made it very clear that these are problems that the public as a whole must consider in the matter of how far we are prepared to go. I, for one, am very careful not to encourage any of the hysteria which had developed to some extent in the wake of this very terrible killing.

At the same time, I have to pose options—as I have in the past—that the public must consider in relation to this matter. We're still considering some of these options as we prepare some amendments to the Municipal Act which will give municipalities greater authority in determining the nature of the development or the character of the commercial enterprises that are carried on in one particular location or not.

This, of course, is of great concern to me because we must be, at all times, concerned with legitimate rights of individual businessmen. We have to balance those rights with the rights of a community to have some say, through their elected representatives, through their licensing powers as to whether or not they're going to have whole blocks of nothing else but nude encounter parlours or whether or not a community should have some authority to control the nature of the development that occurs within its core, in particular.

I think all the municipalities in Ontario are very concerned about it. I, for one, don't favour the concept of combat zones where you should, in effect, rope off a certain area and say: "Everything goes in that area but we'll try to protect other neighbourhoods." These are very difficult questions and there are no easy solutions. The Legislature will be asked to address itself to some of these questions when this legislation is introduced in the next several weeks.

**Mr. Roy:** That is very interesting—your comment about combat zones, as you call them. They are hardly that. I have had limited travel you know but I have always got to pay my own way, as you know.

[5:00]



**Hon. Mr. McMurtry:** You'd better get on the Ombudsman select committee.

**Mr. Roy:** Yes, I still want to pay my own way.

**Mr. Nixon:** They haven't gone away yet.

**Mr. Roy:** I am not sure when you mention the question of combat zones that that is not something at which our so-called God-fearing communities in Ontario should be looking. I have seen Amsterdam; I have seen other cities where there seems to be an element of control over that sort of thing.

I distinctly had the impression about Toronto that what affected the local politicians was not so much the activities that were going on on Yonge Street, but that they were prepared to tolerate that until it became too obvious. It became just too obvious and then they said, "Go away." If they could have wiped this out and the same activity was going on some place else without anybody knowing about it it would have been much more tolerable.

It's part of our puritanical background in this province, but I just wonder in a large metropolitan centre—and I don't want to be the one who sets policy on this sort of thing for the municipal officials—whether somewhere along the way, some generation within this country is going to make a decision. As you know, prostitution under the Criminal Code is not an offence. Prostitution in itself; the soliciting of it is. Basically what happens is people with a lot of money never get caught where the solicitation is not that obvious.

What I wanted to say was that we seem to be able to go so far in our laws and not go far enough. You mentioned you looked at the problem in relation to drugs, marijuana and that sort of thing. Again, for all intents and purposes, it's a rubber stamping process in our courts. The courts have realized that possession of small amounts of marijuana for one's own use is not something you should throw people in jail for.

I prosecuted in that field back in 1969 and realized that it was a social problem rather than a criminal offence, and yet our legislators in Ottawa are not prepared to take away the criminal aspect of it. Yet people are ending up in the courts and the large majority of them is getting absolute discharges anyway. Why are we burdening the courts with that sort of process?

I suppose the same applies to pornography and prostitution. The problem with that is that it's such a volatile thing. One year people are prepared to close their eyes and the next year, depending on the circumstances, people get all excited about it, so obviously some

options will have to be looked at to deal with that problem.

You know, it's like pornography. We have discussed it and we have talked about this, but basically it's a question of why don't we do as we do on films? Control it. You just control it; don't try to stop it. If you stop it, it just goes underground. Then it's probably a worse evil in the sense that the minute it's underground, you get organized crime becoming more involved with it. They can operate with impunity, and the stuff gets around anyway, so what you try to do in the area of pornography and all that sort of thing is control it.

The concern is for our young people, that at least they should be able to make up their own mind at the right age without being pressed into that sort of atmosphere or had that sort of material thrown at them. We do this with films—we say certain films are for certain ages and that's how it is controlled. The same thing should possibly happen when we get into things like pornography, prostitution and things of this nature.

**Mr. Nixon:** I don't know whether this is any kind of a useful contribution—

**Mr. Wildman:** Probably not.

**Mr. Gaunt:** I am sure it will be.

**Mr. Nixon:** —but the minister might be interested to know that I made a personal inspection of the Yonge Street strip today at noon and in broad daylight. I was returning from buying an Air Canada ticket for my sainted mother, who will be leaving for Florida in the near future, God willing, and I thought, "Well, I'll just walk back up there." And even for my Protestant, puritanical repressed sensitivity—somewhat similar to the Attorney General's I expect—once I got past Cinema 2000 there really wasn't a thing that much different from the Yonge Street of 20 years ago.

Maybe they have moved, but they are certainly not hanging out of the upstairs window—as they say they were. So something almost miraculous has happened there. The only really grievous part of it is that such a spectacular catastrophe had to trigger the clean-up of that situation.

I don't know what's happened to all those fancy movie houses and body rub places and so on. But from the vantage point of a provincial—from out of town—and I presume that they were designed to interest just such people—it would be pretty hard to find anything very exciting other than the regular run-of-the-mill movies—which are probably bad enough—on the Yonge Street strip.

I thought the minister might be interested in this up-to-the-minute report.



**Hon. Mr. McMurtry:** I am very interested, although I suppose it deprives me of an excuse for taking the tour that I had planned tonight.

But, seriously, a lot has happened in the past several months. I think the up-to-the-minute tour as described is not indicative of the way it was three months ago. I think the activities of special counsel hired for Metropolitan Toronto; applications under the Disorderly Houses Act; the fact that we appointed a special prosecutor for offences under the Criminal Code to expedite these cases through the courts; the fact that the police have been active to the extent that several hundred criminal charges have been laid against people on Yonge Street in the last several months—I think these have had a salutary effect in returning Yonge Street, if not precisely to the pristine glory—

**Mr. Nixon:** It's even more pristine.

**Hon. Mr. McMurtry:** —of 20 years ago, but in getting things a little better under control I think that activity has been warranted.

**Mr. Chairman:** If there are no further up-to-the-minute reports, shall item 1 carry?

**Mr. Roy:** I have a number of concerns to raise with the Attorney General on this item. I think that some of these are difficult to pin down as to which vote they should come under.

One of the things that concern me as well—and that's not brought on because we are hearing about all that is going on in Ottawa—wiretapping and the listening devices being found in various offices. You will recall we had a discussion, was it about a year ago? I suppose it was more than a discussion—the debate in the House about the police intercepting a communication between a lawyer and his client. This had taken place, I think, in Perth, Ontario, where a criminal lawyer was interviewing his client in jail—the only place he could interview him because the client was charged with murder at that time. He was advised, through a matter of luck or some stupidity on the part of some official, that in fact they had this lawyer on tape. It came out and there was an admission made at that time by the police.

The Sault Ste. Marie case was a different matter, the lawyer there at that point was a suspected individual. What happened in Sault Ste. Marie is that they put a tap on the phone and they got everybody else's conversation on it.

But these matters point out the danger or the wide scope of this wire tapping legislation. I continue to express some concern, as that legislation is the type of legislation

which, if not controlled, if we don't keep an eye on it, may get away on us. I appreciate this is a federal matter, but certainly I think you understand you can get to your colleague Basford up there and make certain representations about the type of criminal laws we have on our books here.

One of the things of concern is that case here in Ontario involving a fellow, a businessman from Guelph by the name of William Zudik. I've never spoken to the individual, I'm just reading press clippings and I'm reading editorials about the individual.

What happened is this individual had notification that his phone had been tapped as the Criminal Code requires the law enforcement agencies to do, 90 days after a tap had been removed from his phone. This individual was a businessman. He got one of these notifications from the Attorney General's office in February that his phone had been tapped. However, he was not charged with a criminal offence afterwards and hasn't been able to find out the reason for the wiretap. He's never been charged, he doesn't know why, and he goes out of his way to try to find out what has happened.

He makes an application before a Supreme Court judge and gets a good Supreme Court judge, certainly one who's had a reputation of interpreting the law quite liberally. The Hon. Mr. Justice Patrick Galligan states under the law he's not entitled or permitted to know why his phone has been tapped.

This is one instance, and I've had other instances of individuals who come along with this document which is called a notification. I've had another situation—and I don't happen to have the file right here—where an individual got a notification saying, "Your phone has been tapped," but his phone had been tapped under the name of Mr. X and his name was Mr. Y. He was never able to find out why his phone had been tapped.

It bothers me. It bothers me when you're a citizen of this province that your conversations are being overheard, your telephone is tapped for I don't know how long, maybe 90 days. It may have been longer, but they overheard all of your conversations and you're not even told why. Certainly that is a basic denial of the fundamental rules of justice, as I see it.

In my opinion the law should be changed to allow an individual to be told, whether it's in private or otherwise, because as Mr. Justice Galligan said, under the present law there was no way. All the information, the evidence, leading up to the giving of the authorization is secret and you can't get at it.



So I'm saying to the Attorney General, I wish he would make some representation whether he agrees with me; some concern. Because the enforcement of that legislation of course is under, I think, his ministry. I think he reports under this legislation.

An individual, a citizen in this province, where there is no evidence he's committed a criminal offence, has his basic right of privacy trampled on for a period of, I don't know, 30 or 90 days, and the law enforcement agencies have heard everything he's said for that period of time.

I want to emphasize to my colleagues here a wiretap is not just a search warrant where you're going into a home on a particular occasion to look for a particular object. A wiretap is carte blanche to overhear every conversation, whether or not it's relevant to the offence that is the subject matter of this tap. You can overhear everything.

And yet an individual who is attempting to find out something which most people on the street would consider to be very reasonable—"If you tap my phone police officers, would you just tell me why?"—can't find out why.

[5:15]

I am concerned and I would like to hear the Attorney General's comments about that particular case and whether it should not be in the best interest that an individual should be told under some circumstances. I know there have been amendments. I think the 90-day period now has been extended, but nevertheless I feel we should look closely at that law, not to allow that sort of situation.

**Hon. Mr. McMurtry:** I think I share many or most of the concerns that have been expressed by the member for Ottawa East in this area. He will recall when there was some issue in relation to interceptions of telephones that might be resorted to by lawyers or solicitors, I expressed my concern at that time in relation to the lawyer-client situation. I provided the member for Ottawa East with the detailed, and I think, with respect, very carefully thought-out instructions I have issued to all of our agents who have the authority to seek these wiretap authorizations in order to avoid as much as practical the danger of intercepting a solicitor-client type of conversation. And I am sure I discussed it with the member for Ottawa East and we developed these guidelines which have gone out.

In relation to a very serious issue that is raised by the Zadik case, I might say that a number of lawyers have expressed their concern to me about the present state of the

law including, as a matter of fact, my own lawyer brother. I would like to comment, as has the member for Ottawa East, about the problems that can be created for somebody who, out of the blue, receives a notification that they have been the subject matter of a wiretap. The danger, for example, that this notification may fall into somebody else's hands. I mean, in the case of Mr. Zadik, he chose to make it public. He decided to attempt to obtain this information through the legal process.

I think Mr. Justice Galligan's decision was absolutely correct. Under the law—and the law was very clear—there was no authority to reveal this information. Indeed I, as Attorney General, would be committing an offence if I were to reveal the reasons for the wiretap. But the danger of what this might cause to somebody who receives this notification exist. They may have been suspected of criminal activity or I suppose it is conceivable they have just been a possible victim.

The danger of it falling into somebody else's hands exists. I mean, it's a piece of paper. Somebody else may get hold of it in the normal course of events, and of course believe that his friend or neighbour or relative is perhaps a dangerous individual or somebody that may be suspected, at least by the police, of being engaged in criminal activity.

I just want to indicate to the member for Ottawa East that I share his concerns in this area. As a matter of fact, I have established a committee in my ministry to review this aspect of the legislation and I have asked them to consider the possibility of recommending amendments to the federal government in order to alleviate the undoubted hardship that is caused to certain individuals under the present state of the law.

**Mr. Roy:** If I might just continue on that point, I thought the response of the Attorney General in respect to the matter I raised in relation to this defence counsel was very good. I think I told you that certainly if the guidelines are followed that is something. I don't know many jurisdictions that have them and I would have hoped that the Attorney General of Canada would look at these guidelines and maybe do something with them, like putting something like this into his legislation.

I appreciate your response to my question about the Zadik case. The one point I want to make to you is that the area of mistake is something that's of concern. As I mentioned to you, I have a Mr. X who came to see me. He'd received a notification that his phone



was tapped, but the police were not intending to tap his phone but to tap Mr. Y's phone. In other words they had obtained the authorization for Mr. Y, but tapped Mr. X's phone. He was in a similar situation where he just couldn't find out why. That gives you some idea of the abuses that can happen under that section.

I don't know if this should be investigated or whatever, but you recall you issued guidelines on the intercepting of lawyers' conversations, because of the great concern that police do not trample on the basic right of an individual to have, and retain counsel. Of course, if the police are sitting in on a conversation that is an abridgement of, or a trampling on that right.

People or defence counsel not only in Ottawa but in other major centres have this paranoid feeling and I don't know whether it's only an obsession. I don't do that much defence work. If you do a lot of defence work—I used to do quite a bit of it, but I have not done very much since 1971—you're always a bit paranoid. You're wondering are the police listening in on your phone and I'm sure you've had that expressed to you. If you've got a serious conversation or it's very important, I won't do it from my own office phone. I will go down the street and do it from a pay phone. I always felt that they were somewhat paranoid.

That was prior to your guidelines because of what the police were doing prior to your guidelines. I'm not sure that that's all been solved and they are in fact following the guidelines. I just make this comment; it may be a gratuitous comment because I don't have any evidence that they're not.

What the police were basically doing was they'd get an authorization to intercept Mr. X's conversations and then they would intercept everything, whether he was talking to his lawyers, his priest, his doctor—everybody else. And many defence counsel ended up on the tapes because he'd be calling up his lawyer about certain things.

It's been reported recently in Ottawa that certain defence counsel are still convinced that their phones are tapped on a regular basis. They claim that certain information the police have can only be obtained if the police are intercepting their conversations with their clients.

I was called up about it to discuss it with the press, and I say "I'd hate to have any evidence of that. I'd be very concerned." It would mean the police felt counsel were committing a criminal offence; or the police were not following the guidelines of the Attorney General, which I consider to be very

serious; or, they were involved in illegal wire taps and breaking the law, which is a very serious offence. I'd hate to think that the police would do that, especially with all the controversy about police breaking the law we've heard about in the last while.

The latest report I have on it, is in the Ottawa Journal of November 11, 1977. A story there by Peter Gibbs states: "A middle-level policeman has confirmed criminal lawyer Pat McCann's suspicion that his department had illegally wiretapped the lawyer's office phone to gain information on a client, he claimed." The story goes on—I suppose, about another lawyer whom we both know in Ottawa—"Ottawa criminal lawyer Dan Chilcott revealed last week that a representative of the police department had informed him that it had bugged his office phone. Chilcott said he complained like hell, but got nowhere."

This is of concern—Mr. Chilcott, as you know, is a member of the Ottawa Police Commission and Pat McCann is a defence counsel. Although I raise these issues I don't want to start getting involved in sensational things. The fact remains it's very difficult to prove—very difficult to prove—because of all the provisions as to secrecy and confidentiality of information under the Criminal Code for obtaining taps.

Allegations like that are made—and according to one lawyer it has been confirmed by the police that this, in fact, has happened. According to the information that's in this story apparently the police did it illegally—illegally in the sense that they didn't have an authorization, but I don't think it would be illegal to not follow your guidelines, although I wish it was. I'm concerned about that sort of thing. I suppose possibly I'm a bit paranoid, although when I was called up about this I said, "I can't think that police would be doing that on a regular basis. I think some of these counsels are a bit paranoid."

But apparently many of our confreres in the criminal bar, whether it's in Toronto, Montreal, Ottawa and so on, live in that constant fear, because wiretapping is now such an easy process. It's such a wide sweeping type of tool on the part of police that a lot of these counsels think it's abused.

I'd like to ask the Attorney General, would you look into this? Would your ministry look into this and further investigate this? Because when you get a lawyer who says publicly that a policeman has confirmed that there was an illegal wiretap that's evidence of a criminal offence if that report is accurate.



Certainly this is something that should be looked into. The police need certain powers and they've been given these powers. But if we continue hearing evidence that it's being abused that the police are not following your guidelines, for instance, or are breaking the law, obviously it's going to undermine the whole process.

Certainly it's of concern to people like myself when I read reports of this nature.

**Hon. Mr. McMurtry:** Mr. Chairman, I was unaware of those reports. I'm very distressed by them. Particularly, it really puzzles me that a member of the Ottawa Police Commission would take the position publicly that there is nothing that he could do about it in relation to the activities of the force he has the responsibility to administer. I think it is a very serious situation and I certainly will be prepared to pursue this matter because it is, as the member for Ottawa East points out, a criminal offence for anybody, police officer or anybody else, to engage in illegal wiretapping.

Prior to the Protection of Privacy Act in 1974 there was even less protection than there is now, because there was no law governing wiretaps in this country. So I think in one respect we have advanced since that time; now the police are bound by a criminal statute. While that is no guarantee that it's not going to be breached, at least it is progress.

But getting back to the matter that's been raised by the member for Ottawa East, it might be helpful to me if he could give me copies of those news clippings and I'll pursue the matter.

**Mr. Roy:** I will give a copy of this to the Attorney General, I do want to say this in fairness to the member of the Ottawa Police Commission. When he states, "He revealed that a representative of a police department had informed him that it had bugged his office phone, Chilcott said he complained like hell but got nowhere." You realize it could in fact have been another police force. In Ottawa, we have a situation whereby we still have five or six different police forces. He's a member of the Ottawa Police Commission, but there's Gloucester, Nepean and Vanier police forces and the RCMP and the OPP's in there, so in fairness I don't know to which police force he was referring, but I'll send the Attorney General a copy of this.

**Mr. Foulds:** I just want to raise a question or two with regard to the very interesting matter the member for Ottawa East has

raised. I don't see any item under the votes for wiretap services.

[5:30]

I assume your ministry is notified every time a legal wiretap takes place. I'd like to know how many such wiretaps have taken place in Ontario in the last year?

**Hon. Mr. McMurtry:** We are the authorized agents for obtaining wiretaps in Ontario. It must be done through us or the federal Crown counsel in relation to matters within their jurisdiction of drug offences.

We do publish a report every year outlining the precise number of wiretaps, the nature of the offences for which they were obtained and, indeed, the results to the extent which we can give, of the investigations. This report, which is published in the Ontario Gazette every year, is available. I can facilitate the member in obtaining a copy of this report.

I think our most recent report is scheduled to be published. It either has just been published or is just about to be published, but we do file this report every year. This is, of course, a requirement.

**Mr. Foulds:** Do you have any estimate of the success of this kind of operation? That is, how many of the legal wiretaps instituted result in prosecutions? Do you have any idea how many of those would not have been successful if you had not wiretapped? Is there any way of estimating that?

**Hon. Mr. McMurtry:** The last part of the question is a very difficult one to answer but, as you know, the provisions of the wiretap legislation provide that an authorization should only be given if other methods of investigation are not succeeding. In other words, it's not simply an alternative. It's permitted when there are affidavits to the effect that other methods of investigation have failed or are likely to fail. There is that last resort aspect built into the legislation.

I don't have the figures in front of me but I can obtain copies of the last published report for the member. Certainly, my recollection is there is a very large number of charges laid in relation to the number of authorized wiretaps. Our experience is far different in this jurisdiction than, for example, in the United States. It's quite popular for people to comment on the experience of the United States among those who oppose the legislation, stating that relatively few prosecutions result.

I would think it's fair to say—I'd prefer to have the figures—a very substantial number of charges are laid in relation to the number of authorized wiretaps and a very substantial



percentage of those prosecutions end in convictions.

Whether or not it would have been possible to obtain a conviction, or whether a conviction would have been obtained in the absence of a wiretap is impossible to demonstrate with any degree of accuracy. But the reports we do publish every year indicate, in my respectful view, the wiretap authority is a necessary authority and it has produced very significant results insofar as success is concerned.

I think one must appreciate that commercial crime, organized crime and criminal activity generally have resorted in recent years to much more sophisticated tools for carrying on their illicit activity. The so-called major figures in criminal activity attempt to insulate themselves from what's going on in the street, as it were, by operating through intermediaries. It's my personal view, having been well aware of the very legitimate concerns that have been expressed and are being expressed here this afternoon in relation to wiretap authorization and the interference in privacy they represent, taking all of these very legitimate concerns into consideration, wiretap authority, capacity and resources are absolutely essential, if we are going to maintain any reasonable level of effective law enforcement.

**Mr. Foulds:** My question rises out of part of the answer the Attorney General gave. He said that the wiretap authorization could be obtained only when it was fairly clear, and I am paraphrasing, that successful prosecution was likely to fail otherwise.

**Hon. Mr. McMurtry:** Investigation.

**Mr. Foulds:** Sorry, right. How do you evaluate such a judgement? Who gives that judgement? Whom do you ask? Isn't there a danger that someone who is not on an investigative trial might become obsessed with the case and, therefore, likely if not bend the evidence, to put undue emphasis on the necessity for such a wiretapping? How do you counterbalance against that?

**Hon. Mr. McMurtry:** Perhaps I might be able to assist the member for Port Arthur, firstly, by referring to the section of the Criminal Code, section 178(13)(1) which says: "An authorization may be given if a judge"—and it must be a superior court judge—"to whom application is made is satisfied that it would be in the best interests of the administration of justice to do so and that

(a) other investigative procedures have been tried and have failed,

(b) other investigative procedures are unlikely to succeed or

(c) the urgency of the matter is such that it would be impractical to carry out the investigation of the offence using only investigative procedures."

A superior court judge must be satisfied that the requirements as laid out in this section 178(13) have been met. This is done on the basis of affidavit evidence. You have, in effect the sworn evidence of a police officer. I personally think this is probably as good a protection as you are likely to achieve through legislation insofar as this judicial supervision of these wiretap authorizations is concerned.

There is no guarantee at any time against abuses by police officers who are going to act illegally—if they are prepared to swear a false affidavit, for example, for which they would have to pay the consequences if found out. There is no guarantee that that cannot happen. There are no guarantees anywhere, I guess, in the nature of human affairs, but what the federal government is attempting to do is establish an administrative mechanism through the Criminal Code which is going to provide as much protection as can be provided by any type of permissive legislation.

**Mr. Foulds:** The minister read that section of the Criminal Code, and I may be incorrect here, but if there are no other conditions, all of those terms seems to concern themselves only with the possibility of the accumulation of evidence. I would assume that to satisfy a judge there must be at least some evidence already; you have to have some reason for suspicion. Does that also have to be presented to the judge in the sworn affidavit by the police officer? As I heard you read that section of the Criminal Code it didn't appear to me that such was the case.

**Hon. Mr. McMurtry:** A judge must be satisfied that there are specific offences which the police have reason to believe have been committed or are being committed and these specific offences must be identified. There is this overriding provision that they must be satisfied that it is in the interests of the administration of justice, and the application—I perhaps should have read to you section 178(12). I think it would have been more helpful for you if I had gone back and read what the application for the authorization must contain. That would have provided the answer.

It must be in writing to a judge of the superior court, "and shall be accompanied by an affidavit which may be sworn on the information and belief of a peace officer or a public officer deposing to the following



matters, namely (c) the facts relied upon to justify the belief that an authorization should be given together with particulars of the offence. The type of private communication proposed to be intercepted" et cetera. I am sorry, I should have read that to you at the same time that I read the other section.

**Mr. Nixon:** Mr. Chairman, I just wanted to make a comment about the appointment of the deputy minister before I lost the chance to do so. I particularly want to indicate to the Attorney General, and anyone who might be listening, how pleased I was at the appointment of H. Allan Leal to this important position. I am sure this has already been referred to by my colleague, the official critic, but I feel that his qualifications are certainly undoubted and his experience has been excellent, and of course productive as far as the community in general is concerned.

I feel that his outstanding qualification, of course, is that fact that he graduated from McMaster University, which may or may not be the reason that he was selected for this important office. Not everybody here might know that he has very recently been elevated to the position of chancellor of that university, and so we are very fortunate indeed to have his services. I hope that they continue for a long time, and that certainly as the government changes there will be no doubt about those continuations. Will there be, Allan?

I wanted to raise just two matters under this vote. It has come to my attention from a Crown attorney in a jurisdiction to the west of here that it has concerned him and some people that he works with that the temporary absence program of the Ministry of Correctional Services seems sometimes from his point of view to be difficult to justify. After an elaborate prosecution and a conviction, almost within hours the individual convicted to a sentence in some correctional facility will be walking the street, tipping his hat to the Crown attorney and even to the judge. It seems that while everybody here wishes to keep our jails and detention centres as clear as possible, there would be a tendency for an example such as this to do some damage in the community where people will follow these cases.

[5:45]

I believe there was one example where there had been a very serious assault in a parking lot of some public place; where the conviction had been registered and the sentence had involved assignment to one of the

correctional centres, but the individual who had been sentenced was out on the street within a few hours. This was general talk among the young bucks in the area, and it came to me from a number of sources.

I just wonder if the complaints in this connection have been registered with the Attorney General and if there is something that we as a Legislature might do to moderate that situation.

**Hon. Mr. McMurtry:** Firstly, I'm sure the Deputy Attorney General should like me to convey to the member for Brant-Oxford-Norfolk his appreciation for the very kind remarks that he has placed on the record of this Legislature. I must say I personally was very delighted when it became known to me that the Deputy Attorney General would be prepared to take on his very important responsibilities.

Although I didn't go to McMaster University—

**Mr. Nixon:** That's evident from time to time.

**Hon. Mr. McMurtry:** —I did have the benefit of the Deputy Attorney General as a former law-school teacher of mine and, as a matter of fact, as my former hockey coach—

**Mr. Warner:** That's the source of your problem.

**Mr. Roy:** You should have spent more time on hockey.

**Hon. Mr. McMurtry:** In dealing with some of these rough characters across the aisle, I feel one needs to have that sort of assistance.

But, of course, I am personally delighted with his appointment.

Turning to the matter of the TAP, the temporary absence program, I can't reply too specifically, of course, as this matter does not come within my ministry. Personally I would be unhappy with respect to people, of whom it had been established that they had vicious propensities for them to be suddenly convicted and then released into the community.

I think the program must be used with caution with violent offenders. There are exceptional circumstances and some of them come to mind but, in fairness to the individuals, I shouldn't mention them specifically.

I also am aware of cases where heretofore responsible and respected members of the community, family people, have been convicted of commercial criminal activity involving white-collar crime of one kind or another. I know those people sometimes are



allowed back into the community on a limited basis, at least to be able to work at their job during the daytime. Generally speaking, I think it is very much in the interests of the community as a whole that people in that position continue to support their families rather than have the families placed on welfare.

For people in that position, the fact that they have been convicted and sentenced to a period of incarceration, often entailing the loss of professional status, involves enormous humiliation to themselves and to their families. The actual incarceration in some of these circumstances is relatively minor compared to the personal humiliation that is involved.

When it is possible to return these people to the community, at least to the extent where they can continue to support their families and continue to be breadwinners, I think I would generally support the principle of that program. If the hon. member has any specific cases about which he's concerned I'd be pleased to take them up with the Minister of Correctional Services (Mr. Drea). But I don't think I can give a more specific response than I have done.

**Mr. Nixon:** You have had no complaints from the people in his offices across the province about this matter?

**Hon. Mr. McMurtry:** I should have responded to that. I was just thinking as the question was asked I can't recall any of my Crown attorneys having raised the issue with me and I am sure I would have recalled if they had. They might have raised it with other members of the ministry, the director of Crown attorneys for example, but this complaint has not been brought to my attention before. I am quite prepared to pursue it, because I would be concerned if Crown attorneys feel somewhat frustrated by this program after conducting a well prepared and vigorous prosecution and my concern is equally expressed so far as the members of our judiciary are concerned.

**Mr. Roy:** I would like to put a comment on record. You will recall, Mr. Attorney General, the case of an individual who was considered dangerous to the community being released because his sentence was completed and someone, I am not sure but I think it was the former member for High Park, Morty Shulman, raised the fact this individual was back in the community and was considered dangerous and the police were, in fact, monitoring his activities. I thought it was around Peterborough or some place in that area.

**Mr. Nixon:** It was raised by the member for Kitchener (Mr. Breithaupt).

**Mr. Roy:** It may have been raised in the House. But what I recall is the present Minister of Correctional Services saying he was very concerned about this individual being out in the community and in so saying, he appeared to be somewhat critical of the system which allowed this individual, when there was some evidence of a dangerous propensity towards sexual offences on young people, to be in the community. And as the parole board chairman said at that time, it had nothing to do with parole. The man finished his sentence.

What I felt was unfair was the present Minister of Correctional Services attacking the system which allows an individual like that to be released and in fact attacking your ministry because if there was evidence this individual was a dangerous offender, why was he not prosecuted under the dangerous sexual offender provisions of the Criminal Code, which is the responsibility of the Attorney General's office of the province and not of the federal government?

I just thought at the time of his comments—whether you got them or not—if that minister felt as strongly as he did about the individual, why steps were not taken by the Attorney General's office of this province, if they felt they had that sort of evidence, to see he was prosecuted and the weight of the law applied as it is set out in the Criminal Code to deal with that dangerous type of offender.

What I am trying to say basically, is you can't have it both ways. One minister is critical, saying he is there to defend the community when he is part of a government which had the responsibility, if this individual was a dangerous sexual offender, to prosecute. I don't know if you are familiar with the case.

**Hon. Mr. McMurtry:** Yes, I am familiar with the case, Mr. Chairman. I think the member for Ottawa East is familiar with the procedure after a conviction and before sentence and application is made under section 688, as it was—it has been recently amended—to have the person declared a habitual criminal or a dangerous sexual offender as it used to be.

The difficulty was this person simply didn't qualify under that section. He was convicted of an assault causing bodily harm and was not convicted of a sexual offence. It involved a young child. It sounded like a very serious case and I think he received a four-year

prison sentence for it. It involved attacking a young child in a public washroom.

There was no evidence that the child was sexually molested, but the child was beaten and suffered a fractured nose. I believe it was in Belleville, because I asked for a report under the section of the Criminal Code. It was not open to the Crown attorney to seek an order declaring that person a dangerous offender.

Whether or not it would come under the amendments—I'd have to look at the amendments as they only came into force on October 15. But there were some unique aspects to that case.

**Mr. Roy:** Why is everybody getting excited about this individual? From what you're saying it appears the incident did not seem to have a sexual overtone. It was an assault causing bodily harm case and his background did not reflect a consistent pattern of assaults with sexual overtones. I'm just wondering is this thing being blown out of proportion?

**Hon. Mr. McMurtry:** It may have been blown out of proportion. I think there was

one previous conviction, almost 20 years earlier, which did involve an indecent assault. There was information that this person did have propensities considered to be dangerous. Obviously that was very much a part of the press reports.

I don't know at this moment where that information came from—whether there was any psychiatric report, or presentence report, that may contain some of this information which might have been submitted to the court at the time of the sentencing, I just can't assist the hon. member now.

But I do know that the offence for which that individual was convicted did not make that person a candidate for the provisions of the then habitual criminal section of the Criminal Code.

**Mr. Chairman:** Shall item—

**Mr. Nixon:** No, I have a point. Well, okay, you want to adjourn? Fine.

The House recessed at 6 p.m.



# APPENDIX

(See page 1792)

Answers to written questions were tabled as follows:

**30. Mr. Grande**—Inquiry of the ministry: (a) During the last fiscal year, how many Wintario grant applications has the ministry received from private clubs and/or organizations? How many of those applications have been accepted and funds “committed”? What is the total amount of funding which has actually been received by those clubs? (b) During the last fiscal year, how many Wintario grant applications has the ministry received from private profit-making organizations? How many of those applications have been accepted and funds “committed”? What is the total amount of funding which has actually been received by those privately-owned organizations (Tabled October 27, 1977.)

Answer by the Minister of Culture and Recreation (Mr. Welch):

(a) During the last fiscal year 1976-77, 10 clubs and/or organizations initially perceived to be private submitted applications for Wintario assistance. Six were rejected; four received conditional commitments (including additional conditions relating to accessibility and public participation). No funds have yet been paid to these clubs.

(b) During the last fiscal year 1976-77, eight organizations perceived to be private profit-making organizations submitted applications for Wintario assistance. Five were rejected; three received conditional commitments (including additional conditions relating to change of status to non-profit). No funds have yet been paid to these clubs.

**31. Mr. Grande**—Inquiry of the ministry: Will the Minister of Culture and Recreation table the following information: 1. the number of Wintario tickets sold for each draw from the inception of the lottery to the end of June 1977; 2. the amount of funds “committed” for the fiscal years 1975-76 and 1976-77 and from April 1, 1977 to the present; 3. the amount of funds for the above-noted fiscal years that have actually been paid out to Wintario grant applicants? (Tabled October 27, 1977.)

Answer by the Minister of Culture and Recreation:

1. Draw date	Tickets sold
May 15, 1975 .....	2,160,000
May 29, 1975 .....	3,553,180
June 12, 1975 .....	3,200,810
June 26, 1975 .....	3,104,530
July 10, 1975 .....	2,714,950
July 24, 1975 .....	2,742,595

Draw date	Tickets sold
August 7, 1975 .....	2,705,900
August 21, 1975 .....	2,712,995
September 4, 1975 .....	2,645,130
September 18, 1975 .....	2,744,250
October 2, 1975 .....	3,665,305
October 16, 1975 .....	3,927,645
October 30, 1975 .....	4,283,565
November 13, 1975 .....	4,293,760
November 27, 1975 .....	4,474,400
December 11, 1975 .....	4,607,860
December 26, 1975 .....	5,368,770
January 8, 1976 .....	4,817,250
January 22, 1976 .....	5,252,840
February 5, 1976 .....	5,378,605
February 19, 1976 .....	5,397,910
March 4, 1976 .....	5,562,470
March 18, 1976 .....	5,723,240
April 1, 1976 .....	6,100,775
April 15, 1976 .....	5,995,745
April 29, 1976 .....	6,407,065
May 13, 1976 .....	6,141,690
May 27, 1976 .....	6,035,985
June 10, 1976 .....	6,254,350
June 24, 1976 .....	9,180,000
July 8, 1976 .....	5,924,165
July 22, 1976 .....	6,070,445
August 5, 1976 .....	5,950,650
August 19, 1976 .....	5,858,305
September 2, 1976 .....	6,079,250
September 16, 1976 .....	9,121,235
September 30, 1976 .....	6,311,225
October 14, 1976 .....	6,155,390
October 28, 1976 .....	6,096,780
November 11, 1976 .....	6,085,260
November 25, 1976 .....	6,191,735
December 9, 1976 .....	5,933,835
December 26, 1976 .....	6,436,745
January 6, 1977 .....	5,583,115
January 20, 1977 .....	6,287,790
February 3, 1977 .....	10,219,800
February 17, 1977 .....	6,310,080
March 3, 1977 .....	6,031,770
March 17, 1977 .....	5,895,205
March 31, 1977 .....	6,333,605
April 14, 1977 .....	6,122,500
April 28, 1977 .....	5,731,295
May 12, 1977 .....	5,736,560
May 26, 1977 .....	9,062,790
June 9, 1977 .....	5,868,585
June 23, 1977 .....	6,011,645
July 7, 1977 .....	5,918,915
July 21, 1977 .....	5,914,295
August 4, 1977 .....	5,664,545
August 18, 1977 .....	5,815,160
September 1, 1977 .....	5,547,410
September 15, 1977 .....	not yet available
September 29, 1977 .....	not yet available
October 13, 1977 .....	not yet available
October 27, 1977 .....	not yet available

## 2. Wintario grants paid

	Sept.-Mar. 1975-76	Apr.-Mar. 1976-77	Apr.-Sept. 30 1977-78	Totals
Non-capital				
Arts .....	1,238,996.44	4,641,816.00	2,108,869.17	7,989,681.61
Sports .....	409,199.95	1,490,284.00	2,806,964.60	4,706,448.55
Libraries .....	315,145.06	3,415,650.00	826,910.00	4,557,705.06
Multicultural .....	161,387.88	3,792,126.00	545,644.56	4,499,158.44
Heritage .....	87,376.50	107,813.00	442,395.22	637,584.72
Sub-total .....	2,212,105.83	13,447,689.00	6,730,783.55	22,390,578.38
Capital .....	1,212,983.41	19,898,408.00	21,818,767.46	42,930,158.87
Total .....	3,425,089.24	33,346,097.00	28,549,551.01	65,320,737.25

## + Capital committed

Capital paid and committed September 1975-September 1977 = approx. \$119,494,059  
 Ontario Lottery Corporation—Proceeds from as of September 1977 \$156,000,000.



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Smith, S.; Leader of the Opposition (Hamilton West L)  
Stephenson, Hon. B.; Minister of Labour (York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Stong, A. (York Centre L)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Warner, D. (Scarborough-Ellesmere NDP)  
Welch, Hon. R.; Minister of Culture and Recreation, Deputy Premier  
(Brock PC)  
Wildman, B. (Algoma NDP)











No. 49

# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Monday, November 14, 1977

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.

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Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 14, 1977

The House resumed at 8 p.m.

House in committee of supply.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

On vote 1301, item 1, Attorney General:

**Mr. Chairman:** The Attorney General just informed me he will be here in about one minute.

**Hon. Mr. McMurtry:** Thank you, Mr. Chairman, I appreciate your indulgence.

**Mr. Nixon:** I neglected to mention in our discussions before the dinner hour I was also rather pleased with another appointment the Attorney General had made, that is, in his information officer. I don't see him under the gallery; it's easy to miss him actually. He may be coming in. Ah, he's arriving now.

I just wanted to congratulate the Attorney General on the appointment of Mr. David Allen to the position of information officer. Is that correct? I don't know whether he has special responsibilities for dealing with the problems of the individual members, but I have found him most accommodating any time I've called. Fortunately, I don't have to call the ministry very often, for which I'm thankful. But I must say that he is very attentive in assisting in that connection.

I'm not just sure why the Attorney General feels he needs an information officer, since all his predecessors have been able to carry on their duties without one.

**Mr. Roy:** And he's been doing a good job himself.

**Mr. Nixon:** Yes, actually he must be getting very good advice from some direction because of the excellent information he's been able to convey. I thought, since I'd taken the time of the House to mention it on another matter, that it would only be fair to indicate I feel Mr. Allen is indeed an asset to the staff. Frankly, we miss him from the press gallery. As Elmer Sopha used to call these appointments an elevation to a minor Valhalla, in some respects I'm sure Mr. Allen is enjoying the harp and wings.

I want to ask, however, a specific question of the minister. It was prompted by the

presence of one of his prosecutors under the gallery. I don't see him here tonight either—oh, yes, I see him very much in evidence. Can he give us a status report on the famous Hamilton dredging trial? What's happening over there? Is it going to be permanently delayed?

**Hon. Mr. McMurtry:** First of all, dealing with Mr. David Allen, his correct title actually is director of communications. I might say for some period of time it was recommended to the Ministry of the Attorney General that there be a communications office as there developed an increasing interest in the court system and the administration of justice. I might put it this way. Because of the sensitivity of the ministry in dealing with criminal prosecutions and the necessity to carry out our responsibilities without partisan political considerations—

**Mr. Nixon:** That goes without saying.

**Hon. Mr. McMurtry:** —we did not have a director of communications until we were satisfied there was a candidate who possessed the intelligence, the capacity and the sensitivity of Mr. David Allen. I'm very delighted that he was available.

**Mr. Nixon:** That's why you haven't had one all of these many years.

**Hon. Mr. McMurtry:** I can only speak for the two years I've occupied this post.

**Mr. Nixon:** I knew he was good, but—

**Hon. Mr. McMurtry:** For not quite a year and a half, we were without any director of communications whatsoever.

**Mr. Nixon:** You never know what you are going to need him for.

**Hon. Mr. McMurtry:** I think it is important that we have someone of Mr. Allen's talents because of the very legitimate interest there is in the public in relation to the administration of justice. There was a time, perhaps a few years ago, where there wasn't this great interest. The courts functioned without much public scrutiny. I think part of the reason for that was the case flow the courts had to handle 10 years ago was very small compared with what it has to handle today.

There are a number of very legitimate concerns the public has with respect to the

administration of justice. I think it's in the public interest that we have talented people in the communications field who can assist the ministry in telling the public what we are doing and how we are spending the taxpayers' money. I just wanted to indicate that I share the views of the member for Brant-Oxford-Norfolk as to the wisdom of the appointment of Mr. David Allen. I just wanted to reiterate that we're very happy to have him.

**Mr. Nixon:** Perhaps you'd permit a question just before you go on to the other matter. Do you agree with the contention evidently of one of the surveys done on behalf of the government as a whole that the communications and information jobs in the individual portfolios ought to be consolidated, so that there be a communications and information office that would be available to the ministries as they were needed? In that way, Mr. Allen's tremendous talents could be put to the service of some of the minister's colleagues perhaps who need them even more than he does, like the Minister of Revenue (Mrs. Scrivener) and people like that whom he could assist in the course of his duties.

**Hon. Mr. McMurtry:** There may be some overall wisdom in this recommendation, but insofar as the Ministry of the Attorney General is concerned I don't think it would be in the public interest to participate in a pool in relation to the distribution of information.

As to the dredging case arising out of the Hamilton activities and other activities involving dredging contracts, the trial date was originally set in September and the Crown was prepared to proceed at that time. However, several of the accused had appeals pending before the Supreme Court of Canada. There were two branches of appeals, one dealing with an application for leave to appeal, and the other with appeal as a right, having to do with habeas corpus proceedings. It was rather technical in view of the fact that no one was in custody. Because of the fact that these matters were pending before the Supreme Court of Canada, Mr. Justice Parker ordered that these matters not proceed while these matters were pending.

I'm just advised that the final appeal, and some of these appeals have been dealt with, will be heard by the Supreme Court of Canada. I'm advised by Mr. McLeod, who is the assistant deputy minister now and who is also in charge of the prosecution in this case and will be prosecuting the case, that December 20 has been set as the date to dispose of the final appeal.

I might say that this is a case in which the Chief Justice was requested to set an earlier

date because we felt it was in the public interest to proceed with this long outstanding matter as quickly as possible. I'm further advised that the Chief Justice of the High Court, Mr. Justice Evans, indicated that in view of the fact that the Supreme Court of Canada within the past week had set December 20 for hearing this appeal he would now be prepared to set a trial date, perhaps even this week, so the trial would commence some time early in the new year.

**Mr. Roy:** While we're dealing with this item hopefully a lot of the matters can be covered at this time so we'll not have to go into them as we proceed down the estimates, if you will be patient with us, Mr. Chairman.

**Mr. Nixon:** A slight delay.

**Mr. Roy:** No, I don't intend to offend the rules quite that obviously.

I'd like to ask the Attorney General a question about his timetable in relation to the establishment of the French language in our trial process. I've been one who has been talking about this for quite some time. I was pleased to see the establishment—I shouldn't say the establishment but the privilege given to francophones in this province in a limited way to have their trials in French in the lower courts; even though it's done really by goodwill and the fact that everybody is prepared to accept it and nobody is opposing it. I still question the legality of that whole process—in the sense that there's a law objecting to it. I've said repeatedly that what is required is an amendment to the Judicature Act.

I'm told, by looking at certain schedules, that you're proposing an amendment to the Judicature Act this fall. I would like to ask you, when can we expect to see that amendment?

**Hon. Mr. McMurtry:** The member for Ottawa East is quite accurate when he relates that we have indicated our intention to amend the Judicature Act this fall. As you know, we have established an advisory committee to work with the ministry on these amendments. They have been meeting and my most recent information would indicate that there will probably be some legislation ready to be introduced, I would think, by the end of November. I would expect that I would be able to advise the member for Ottawa East within the next week of a more specific date since I know of his interest in this matter.

**Mr. Roy:** I don't particularly want to get into the legislation. As one who has looked at this for some time I understand that there



may be problems from a practical point of view in not having certain restrictions or certain guidelines in the usage of French. I'm looking forward to seeing the legislation and I trust the Attorney General will give us some background material on this to support what I expect to be the nature of that bill.

I don't know what you have in mind, but I'd certainly be prepared to make some positive contribution to any legislation of this type and I would hope that consultative process would continue.

[8:15]

I do want to say something, though, about the committee the Attorney General has set up. In the past, of course, I have encouraged rapport with the province of Quebec to benefit from the experience in that province in conducting trials bilingually in their courts for 100 years. Certainly it's an advantage; I think they can offer some contribution.

I was extremely pleased to see a committee had been set up to look into the implementation of this whole question, but I do want to say that I have received some criticism from the legal profession in the Ottawa area about the composition of the committee. I don't have the names of the members in front of me but, as I recall, there are people from the Law Society of Upper Canada, counsel from the Quebec bar, some counsel from the province of Quebec. It would appear that the only person on that committee who seems to reflect the francophone fact in this province is Pierre Genest—is there another one? Who would that be?

**Hon. Mr. McMurtry:** Pharand from Sudbury.

**Mr. Roy:** I see. But the point I wanted to make, and the criticism I have received, is that in view of the fact that the largest proportion of francophones are in the Ottawa area, I suppose, and since that's where the largest number of lawyers are, if we are going to make the program work—I am not saying it must work only in Ottawa but certainly that's where it is going to have the highest profile—it may well be a good idea to have someone representing the bar from Ottawa on that particular committee.

I think it would be helpful in view of the composition of the bar in that area and in view of the fact that in the long term a high proportion of the cases, if they are going to proceed in French, will certainly be in that area.

For instance, I would suggest that the president of the Carleton County Bar Asso-

ciation, a Mr. Belanger, has been extremely helpful in assisting in the implementation of the process that we have now. He has the confidence of the faculty of law and, as the minister knows, the faculty of law as such is participating in this and will be offering a French program. I was in court the other day and I was impressed to discover they have already printed a bilingual lexicon, which is of great assistance to counsel and to those of us who still go to court occasionally and don't know the proper terms in French.

I am suggesting that someone from that area, whether from the faculty of law or from the bar, could make a contribution. There was some surprise expressed by the members of the profession in that area that none of their members had been appointed to that committee. I wasn't aware that Pharand was on it. The only one I seemed to recall was Genest. Is the committee closed now or is there any chance of getting anyone else on it?

**Hon. Mr. McMurtry:** Mr. Chairman, it's not a closed committee. As a matter of fact, we in the ministry are free to consult with whomever we want. I agree with the member that Mr. Belanger sounds to me like an appropriate individual to consult.

The history of this committee is that I requested the batonnier of the Quebec bar to recommend three of their members to sit on the committee; at the same time I requested the treasurer of the Law Society to recommend three members in order that the practising bars of the two provinces would be represented. We added Mr. Pharand to the committee.

This is, as I say a working committee at the present time, but I want to assure the member for Ottawa East that we will continue to consult with practising lawyers who we feel might have a useful input in relation to resolving this matter in the most effective way possible.

Once the cabinet has decided on the nature of the legislation to be introduced, I will certainly endeavour to give the member for Ottawa East as much notice as possible prior to introduction of this legislation. We will, as we have been trying to do with other legislation, have a good compendium prepared to be tabled with the legislation. I would hope I personally would have sufficient time to discuss the matter with the member for Ottawa East before we proceed to debate the legislation. I would think somewhere throughout the process we would be able to ensure the input of any members from



the Ottawa area who will be able to make a contribution.

**Mr. Roy:** In the Throne Speech at the opening of the federal Parliament, there was some comment about certain amendments they are going to bring forward to the Criminal Code to allow the use of French in criminal trials. I take it the amendments to which they are referring involve the empaneling of juries. Is there anything else you know of in the Criminal Code which prevents one having a trial in French in this province, apart from the provisions of the Judicature Act?

**Hon. Mr. McMurtry:** No, it is my view an amendment to the Criminal Code was appropriate in order to arrange for mixed juries, or perhaps bilingual juries in Ontario, in view of the specific provisions in the Criminal Code that now exist in relation to jury trials, or mixed jury trials in the province of Quebec and the province of Manitoba. The viewpoint has been put forward that the necessary provincial legislation, without accompanying federal legislation, might leave it open to someone to challenge the trial on the basis of the selection of the jury or on the basis of the fact the Criminal Code is silent in relation to any mixed juries or French-speaking juries in the province of Ontario. I don't necessarily share that view, but I think it is important the federal Criminal Code be amended.

I haven't heard from the federal Minister of Justice yet as to his specific proposals. He has indicated to me he intends to consult with us. The consultation process has not yet begun, but there are many aspects to this legislation and, as I say, this is something I expect we will be spending some time on in the Legislature, hopefully before Christmas.

**Ms. Bryden:** I think it was back in 1973 the government, by an amendment to the Law Society Act, ended the bonanza to the banks whereby they did not pay interest on trust accounts. Since the proceeds of that measure go into a variety of functions of the ministry, I thought it was appropriate to raise under this first item the question of whether the minister is monitoring the amount of money coming in and what interest rates are being paid by the banks on the lawyers' trust accounts.

From reading the Act, or the amendment that was brought in in 1973, the rates are to be set by the trustees of the body that receives the money, which is known as the Law Foundation of Ontario, and the money is then to be disbursed, three-quarters to

Legal Aid and the balance to be divided among legal research, legal education, and law libraries.

In 1976 about \$4 million or a little more came in, but I would like the minister to let us know if he knows what rate of interest was paid for each year since the amendment was made, that is the years 1974, 1975, 1976 and the current year; whether the interest is paid on minimum monthly balances or on minimum daily balances, or on what basis it is paid. This is a matter of concern to us here because the more money that comes in through this interest charge, the more we have for these four purposes for which the money is to be used, and the less we need for Legal Aid and other things of that sort.

Also, I don't think we should be permitting the banks to pay an interest rate considerably below the market rate for similar deposits. Therefore, I think we should be monitoring very carefully these interest rates and seeing whether they are going up as interest rates rise, or whether they are adjusted on a periodic basis or very infrequently. So I wonder if the minister could comment on what is happening in that regard?

**Hon. Mr. McMurtry:** I don't have those figures in front of me, Mr. Chairman. I will endeavour to obtain them from the Law Society. Of course, it's a matter between the Law Society and the Law Foundation and the chartered banks.

Shortly after I became the Attorney General, I suggested to the then treasurer of the Law Society and to the Law Foundation that they seek to increase the amount of interest payable on these trust funds. To my knowledge there has been no increase within the last two years. I know it's a matter that is being negotiated, and I'll attempt to advise the member opposite before the conclusion of these estimates just what the rates of interest have been since this agreement was entered into with the chartered banks, and whether or not there has been any increase, and also the manner in which it's calculated.

**Ms. Bryden:** I don't quite understand the role of the Law Society in determining these interest rates. I know that they appoint three of the members to the Law Foundation of Ontario which receives the money, and which is given the power under the Act to approve the interest rates. The government only appoints two members to that Law Foundation, which does give the Law Society an extra voice over the government. But I don't see that the Law Society as a body should be involved; it seems to me, it's the foundation that sets the rates.



**Hon. Mr. McMurtry:** We're dealing with the practising legal profession and the Law Society of Upper Canada just happens, Mr. Chairman, to be the governing body of the legal profession. Any arrangement in relation to interest on trust accounts would have to be negotiated by the Law Society or through their creation. Certainly, the Law Foundation was established pursuant to an agreement with the Law Society of Upper Canada.

It's true that the Law Foundation does administer the amount of these funds, most of which goes into Legal Aid. It was a role for the Law Society to play fundamentally but they agreed to create this body, this legal entity known as the Law Foundation.

At no time, I want to emphasize, does one penny of this money go to the provincial government. The money all goes from the trust accounts to the Law Foundation and through the Law Foundation directly to Legal Aid, which of course is administered by the Law Society of Upper Canada. Then there are amounts set aside for law libraries, scholarships and whatnot. But 75 per cent of the money goes directly to Legal Aid. It's not funnelled through the government.

**Ms. Bryden:** I can understand that the money does not go directly into the coffers of the government, but of course every penny raised this way reduces the amount of money the government needs for Legal Aid and for law libraries and law research and so on.

But the 1973 Act, chapter 49, sets up the Law Foundation of Ontario. It doesn't say it is set up by the Law Society of Ontario. It is a public body set up by a public statute and it is given the power to approve the interest rates the chartered banks will pay on the trust accounts of lawyers. This Act is the one that requires that lawyers keep a trust account in a chartered bank and that the chartered banks pay interest on it.

[8:30]

I still cannot see that the Law Society should have a say in what rate of interest is charged. It seems to me it is the Law Foundation, a public body set up by this Legislature, which decides on those rates. I am just questioning whether the minister should be monitoring more closely what that foundation is doing and, if we think it is not acting promptly enough in raising interest rates, we should consider amending the legislation.

**Hon. Mr. McMurtry:** As the member herself has pointed out, we do have two out

of the five members of the Law Foundation. The other three, or the majority, are appointed by the Law Society. To that extent you might say the Law Society has effective control over the operation of the Law Foundation, but we do have two representatives on the Law Foundation.

I have indicated, as I mentioned a few moments ago, my personal desire or request or suggestion, if I might put it that way, that they attempt to negotiate a higher rate of interest. I understand the Law Foundation has attempted to do that. My information at the moment is they haven't met with too much success but I will attempt to find out where the matter stands and so advise this Legislature.

**Ms. Bryden:** One final question, does the minister have any rough idea of what is the current rate of interest that is being paid on the trust accounts?

**Hon. Mr. McMurtry:** I would prefer to get the figure rather than guess. I do know, as part of this whole issue, the banks thus far have been able to present a pretty persuasive case in relation to the very significant accounting problem there is in relation to this fund. The rate of interest, considering the accounting that has to be done in relation to all of these lawyers' trust accounts, would of necessity, be a fairly low rate of interest. I doubt it is above four per cent, but I will check on that.

**Mr. Sargent:** Would you advise whether the royal commission on Metropolitan Toronto was under this vote?

**Hon. Mr. McMurtry:** All royal commissions would be under item 5.

**Mr. Worton:** Come back later.

**Mr. Chairman:** We are on vote 1301, item 1.

**Mr. Sargent:** That is the Attorney General.

**Mr. Chairman:** Right.

**Mr. Sargent:** He is the Attorney General.

**Mr. Elgie:** Who are you?

**Mr. Roy:** Try it again.

**An hon. member:** Is he as good a hockey player?

**Mr. Sargent:** Does he want to speak for the commission or do you want to get down to commissions later on, Mr. Chairman?

**Mr. Chairman:** We should be there very shortly, I would think.

Item 1 agreed to.

Item 2 agreed to.

On item 3, policy development:



**Mr. Roy:** I just want to make a comment before we let the Attorney General off that easy on item 3. I suppose my frustrations would be best taken out on your colleague to your right, the Premier (Mr. Davis). When I see in this vote we are going to spend something like \$490,000 on policy development, which in my opinion is necessary, and then I see in the Justice policy field that ministry is going to spend \$463,000 on what is supposed to be Justice policy as well, I am just wondering what the correlation is between the two.

I would have thought, just as a simple-minded person, that if we were going to spend this kind of money, \$463,000 on Justice policy, that Justice policy would have been the responsibility of the Provincial Secretary for Justice (Mr. MacBeth) and not be spent in the policy development of the Attorney General's department. Maybe the Attorney General has some explanation that that's the relationship between the two. I really don't know.

But it does give me an opportunity to say again in case I might miss out on the \$463,000 vote on Justice policy—it may happen that I won't be around—so let it be recorded for posterity, as I've been saying since 1971, what a useless institution I think that Justice policy is. Not your policy development within your ministry, but I'm saying the secretariat for Justice policy, just like the secretariat for Social Development policy, is something that was theoretically in somebody's mind. It seems to me to be somewhat inconsistent that we should be spending this kind of money on policy development when we are supposed to have a ministry that's supposed to co-ordinate all these ministries and get involved in policy itself.

Co-ordination was supposed to take place. The flow chart looked good on paper. We were going to have everything work in a logical fashion and we were going to have this Justice policy field and policy was going to be made here.

If we want evidence that it's not working the evidence is here in this vote. We're spending something like \$490,000 on policy development within this ministry. I do want that put on the record. I know it's not this minister's responsibility to defend the Justice policy field. It seems to me that if we wanted further evidence of how that ministry—I'm talking about Justice policy—is not necessary we have it here.

**Hon. Mr. McMurtry:** Of course, I'm not in a position to speak on behalf of the policy secretariat. We have a very able Provincial

Secretary for Justice who will be dealing with this matter later on. But insofar as the policy development branch of this ministry is concerned we really have four areas of responsibility.

The first is research and analysis of all aspects of the administration of justice in Ontario. Second is a continual review of the approximately 130 statutes administered by this ministry. This includes initiating proposals for reform and analysing suggestions for reform from the general public, from other ministries and members of the Legislature as well. Certainly I would hope it has been the experience of members of the Legislature in their concern about various problems that we've always tried to provide assistance where reasonable in relation to these many statutes.

Third, they're responsible for developing the legislative program in the ministry, by setting out and evaluating the range of government options for decision-making by the justice committee of cabinet, and by cabinet, leading to the creation, working in conjunction of course with the legislative counsel, of draft legislation.

Fourth, last but not least, they are responsible for advising the Attorney General and the Deputy Attorney General during the legislative progress of a bill.

Quite frankly, I would like to see a larger complement than we presently have in relation to policy development. I think the contribution that is made by these people to the administration of justice and all its aspects in the province of Ontario is very considerable.

That is what the general responsibilities are of the policy development branch of the Ministry of the Attorney General.

**Mr. Roy:** The book gives what their function is—and a necessary function in view of the fact you've been spending all this money in past years on law research. We should be doing something with all that law research. That's the area to go into. It's a question of policy.

If you propose a vote now to transfer this \$463,000 from the Justice policy field, abolish it and give it to you in your policy development area I would support that move. I feel it's playing a necessary function, but it does give me an opportunity and I know the Attorney General's in a difficult position to agree with me on being critical of a ministry when he's a member of the government, but the fact does remain we feel \$463,000 is being wasted on the Justice policy field.

**Mr. Sargent:** You want \$490,000 this year for research, review of statutes, reform, et



cetera. What are you doing about the fact a few months ago two alleged wrongdoers, neither of whom was carrying a gun, were shot in the back by policemen? What kind of reform are you doing with regard to the powers of policemen to shoot undefended people in the back? I'd like to ask you what's happened to the two policemen who did that.

Insofar as your reform and research under this department goes, our courts are clogged, our jails are overcrowded and 80 per cent of the cases involve plea bargaining without giving the accused a proper trial. Is this what you're spending \$400,000, or half a million dollars for, to bring about rights in this regard? You can talk for hours about all of the great things your department is doing but it's basic principles of justice that are affecting the ordinary man; shooting an unarmed man in the back, or the man, as my colleague from Ottawa East said, who pleaded guilty because, even though he was innocent, he wouldn't have to spend six month in jail, or whatever.

These things are my concern as a taxpayer. You ask us for half a million dollars and you've probably been getting that kind of money for years and we still have archaic laws which are persecuting our people. These are the gut issues. Tell us why you want half a million dollars.

**Hon. Mr. McMurtry:** First of all, on the incident referred to which allegedly involved police officers shooting individuals, I have absolutely no knowledge whatsoever of the incident referred to by the member for Grey-Bruce. Secondly, as the member, I think, knows, the police forces in this province are not administered by the Ministry of the Attorney General and these funds would not involve policy development in relation to our police forces in the province. This, of course, would come under the Ministry of the Solicitor General and I assume you would have taken that up with the Solicitor General when his estimates were in the House preceding my estimates.

The issues related to the problems of many cases in the courts, which the hon. member refers to as clogging of the courts is, of course, a matter of serious concern and a great deal of attention is paid to this problem in the ministry. Our white paper on courts administration tabled a year ago was the product of a lot of work by people in the policy development of the ministry. There are certain proposals in that white paper that go right to the heart of the administration of the courts in this province, which has a great deal to do with relieving the pressures on the courts.

The member's colleague, the member for Ottawa East, referred to this earlier. He indicated some concern about taking the administration of the courts out of the Ministry of the Attorney General because of the issue of accountability. I think some of the issues he raised are very legitimate ones, but again this is just an indication of efforts that are being made by the policy branch of the ministry.

In the material that has been supplied to the members we have set out a great deal of information in relation to the work of the policy development of the ministry. I may have different page numbers. I will be quite happy to take the time, if this is what the hon. member wants, to discuss what the policy development branch of the ministry does.

In the notes on estimates that we have supplied the members of the Legislature, pages eight, nine and 10 deal with the activities of the policy branch of the ministry. I don't think it would serve any useful purpose for me simply to read or recite material that is in the hands of the members of the Legislature. But even a brief or superficial perusal of those pages would indicate that the people responsible for policy development in the Ministry of the Attorney General are indeed fully occupied and, I think, making a significant contribution to the administration of justice in this province.

**Mr. Sargent:** Going back, it's unbelievable that the chief law officer of this province would not know that a man who was suspected of having used a wrong credit card ran away and was shot in the back by a policeman. It's shocking that the minister didn't know that. I'll send him the clippings on it. In fact, he should have that in his files if he knows what's going on. That happened in Toronto.

**Mr. Martel:** What's the matter with you, Roy?

**Mr. Sargent:** The government comes up with all kinds of reports. Someone asked me if I had read one of the reports I received last month; I said, "Hell, I can't even lift them, the reports you get here."

**Hon. Mr. McMurtry:** They don't fit in your airplane.

**Mr. Martel:** You need a bigger plane, Eddie.

**Mr. Sargent:** Regardless of the fact that the government is spending \$500,000 on reports, the bottom line is that people are still being treated unjustly. Look at all the high-priced brass in front of the Attorney General; each one of those fellows is making more than a member of the Legislature. They



laugh at us. They think we're clowns because we are making peanuts and they're making twice as much as we are. They're supposed to advise the Attorney General, who leans on them to feed him the reports he talks about. But the bottom line is that the average man on the street is not getting justice in this province, and the Attorney General knows it. He leans back and says, "We've got reports that say we're looking at it." Hell, they've been doing that for 34 years under the Tory administration. The Attorney General sits there, smugly arrogant and aspiring to be the Premier of this province, saying: "We have reports." I say: "Baloney." Why doesn't he take some action and get justice for the ordinary guy in this province?

**Hon. Mr. McMurtry:** Considering the source of the comment, it's pretty hard to take it seriously because, in the two years I've been here, the member hasn't demonstrated for one moment that he takes his job seriously at all.

**Mr. Davidson:** That was a cheap shot.

**Hon. Mr. McMurtry:** No, it's absolutely correct.

**Mr. Sargent:** At least I'm not a phoney; I'll tell you that.

**Hon. Mr. McMurtry:** As far as I'm concerned, the people who have built the administration of justice in this province over the years have made a contribution—

**Mr. Sargent:** You and your phoney police commissions.

**Hon. Mr. McMurtry:** Sure, we have problems with the administration of justice. We recognize these problems. But the fact of the matter is we have a system of administration of justice in this province that is second to none in the world. If the member were a little brighter, he would realize that.

**Mr. Sargent:** Now we're getting down to the bottom line. Talking about policy, we'll show the Attorney General how much justice we have in this province. If the minister wants to put the gloves on, I'll face him any time, either in the House or outside the House. He's such a hotshot, but we'll get to him.

**Mr. Gregory:** Don't get mad, Eddie.

**Mr. Sargent:** You are the man who okayed the setting up of the court for the inquiry on Ronto. Right? You okayed it as the Attorney General? And you allowed, Mr. Minister, the court, the judge in charge of the inquiry, to subpoena Mr. Nixon, Mr. Peterson and myself and three members of the NDP the day before the election to give evidence on the Ronto hearing. This was engineered

by your friend, your buddy, Mr. McKeough, a \$2 million tax exemption and you get into bed with these people to use the courts to harass us the day before the election.

Somewhere along the line—if we had the powers in this House to get you on the stand to find out how you and McKeough can get into bed to steer such a deal through in this free society. You can use the court to play politics—and don't you talk to me about my sincerity in this job. At least we are not phoney like you are.

**Hon. Mr. McMurtry:** I don't really have to respond to questions such as that, Mr. Chairman.

**Mr. Sargent:** I didn't think you would. You haven't got the guts.

**Hon. Mr. McMurtry:** And I would suggest, Mr. Chairman, if we are going to continue in any orderly way, that perhaps the member for Grey-Bruce might consider what his role is in relation to these estimates and if he is just simply going to use this chamber for communicating gratuitous—

**Mr. Sargent:** You started it, Roy. You started it.

**Hon. Mr. McMurtry:** —insults, I don't think we are going to make much progress.

**Mr. Deputy Chairman:** I would point out to all the members we are dealing with item 3 which is the policy development item of the Attorney General's department. The member for Sudbury East.

**Mr. Martel:** I would ask the Chairman's guidance. I want to talk about the construction of the courthouse in Sudbury and I am not sure if you want to bring that under planning and research and analysis or under some other particular vote. I thought it would be under the main office, but I would ask the Chairman's guidance on whether the Attorney General wanted to discuss that particular item.

**Hon. Mr. McMurtry:** Under 1306, Mr. Chairman. That is the vote, courts administration.

**Mr. Martel:** I wasn't sure if the expenditure would be made with respect to construction and so on under main office or in that particular item. That's all I am looking for.

**Hon. Mr. McMurtry:** I think that would be the appropriate vote.

**Mr. Deputy Chairman:** We will hold the item then to discuss under vote 1306. The member for Windsor-Walkerville.

**Mr. B. Newman:** I wanted to raise with the minister the question that the city of



Windsor is attempting, through the Minister of Municipal Affairs and also through your officials to have a change made in the Municipal Act that would enable the courts to increase the fines on those who leave ignition keys in their cars. The city's whole intent in this is to reduce substantially the number of auto thefts which are a direct result of negligence on the part of the owner of the vehicle who inadvertently, or otherwise, leaves his keys within the car.

The city is asking for an increase in the fine from a minimum of \$25 up to \$100. I understand you were supposed to assist the provincial Treasurer amend the Municipal Act or consider amending the Municipal Act so that such a penalty could be levied by the courts. Would you care to reply, Mr. Minister?

**Hon. Mr. McMurtry:** I assume what the hon. member is referring to is a municipal bylaw, because I don't believe there is anything in the Highway Traffic Act that makes it an offence.

**Mr. B. Newman:** No, it's a change to section 363, paragraph 8, of the Municipal Act in which you or the provincial Treasurer was prepared to consider Windsor's suggested amendment, but he was going to review it with your ministry.

**Hon. Mr. McMurtry:** What I will do is take that under advisement and I will get back to the hon. member before the estimates are concluded. I just don't have any information about that at the present time.

**Mr. B. Newman:** I would appreciate that, Mr. Minister.

Item 3 agreed to.

On item 4, law research:

**Mr. Roy:** I just have some brief comments on law research. I notice over the past years we have spent on an average something close to \$500,000 a year on law research. We have had many reports and we have had very capable people working on the question of law research, the Ontario Law Reform Commission and so on. We have reams of volumes.

I don't intend to repeat speeches I have been making on this for four or five years about all the great suggestions that have been made. You could close the door on law research, on the Law Reform Commission, for the next 10 years and probably still have a lot of work ahead of you just catching up with implementing the recommendations that have already been made by a succession of reports and a succession of

chairmen of the Ontario Law Reform Commission.

I would like to know from the minister what area are they directing themselves to. What areas are we looking at? I don't like to say this, because I am one who feels the law has got to be vibrant and responsive to the needs of the particular community, but what concerns me is what happens. I have seen it happen, not so much at this level but certainly at the federal level, where they look at a whole succession of reforms within the law and the first thing that happens is they seem to be in some measure insulated from what the community is prepared to accept.

A succession of recommendations are made which clearly the public is not prepared to accept. The point I am trying to make is that the public mood is changing so quickly. There is a trend now to go back to old values, to solid principles that have been applied for many years and are tried and true. People are less prepared to hazard into a field of major reforms, so we must be careful when we are going into the question of law reform that the people in that field looking at law reform are not being bypassed by the community or by what the community is prepared to accept.

I am suggesting that this has happened to the federal Law Reform Commission, especially in the criminal field. They made all sorts of suggestions as to what should be an offence, what should not be an offence and the type of penalty that should be imposed or not imposed. Frankly, many of their recommendations will never see the light of day because the public is just not prepared to accept those sorts of recommendations.

The Ontario Law Reform Commission has been looking basically at the civil field. Some of their major recommendations have been accepted and certainly have improved the law. There was such a long way to go in the area of civil law as contrasted to the criminal field. In the civil field, we were so far back that there were major changes to be made. Could you tell me what they are looking at now? Do we have any idea what specific things they are looking at now in the field of law?

**Hon. Mr. McMurtry:** I have a fairly extensive list here. I might say, first of all, that the record of the Ontario Law Reform Commission since it came into being, I think about 1964, has been a rather impressive one in relation to the number of recommendations that have been implemented by legislation in this House. This fact is not as widely known as it should be. As a matter



of fact, I recall discussing this very issue with the former chairman of the Law Reform Commission, Mr. Justice McRuer, a year or so ago. It was his regret that there was not more known about the success of the Law Reform Commission in having such a large number of its recommendations actually implemented by the legislators who sit in this chamber. As a matter of fact, this is a project that hopefully will result in a little history of the work of the Law Reform Commission. I say this because again this is an area in which I think this province has really provided a lot of leadership.

[9:00]

I've had a number of discussions with members of other law reform commissions throughout the Commonwealth. They're very familiar with the work done by our Law Reform Commission and I think it would be unfair to suggest they are not in tune with what goes on in the public sector.

As you know, the three members of the Law Reform Commission are practising lawyers and we now have a former Chief Justice of Ontario, who has had some 30 years of experience in applying and interpreting the law as a Supreme Court judge as vice-chairman of the Law Reform Commission.

Briefly, on page 12 of the notes on the estimates, there is reference to an activity brief which indicates the work of the Law Reform Commission and what they have pending for the year 1977-78. It's a pretty extensive program.

The Law Reform Commission was originally handed as well some problems that deal with the professional organizations. There are a lot of issues in relation to jurisdictions between various professions such as the architects and the engineers, the public accountants, chartered accountants and examination of the role of the legal profession. This project was commenced by the Law Reform Commission and then a separate commission was established to continue the work because there was some criticism from the other professions we had a commission made up solely of lawyers making this determination.

We restructured another commission headed up by the former chairman of the Law Reform Commission, now the Deputy Attorney General and added Dr. Stefany Dupré and Dr. Corry, the former dean of the Queen's Law School. They're working very hard in relation to a number of these issues.

I'm not sure if I understand specifically the question from the member for Ottawa

East insofar as adding anything to the activity brief set out in the notes on the estimates.

**Mr. Roy:** Maybe I could be more specific here. I apologize; I haven't seen the items. I wanted to know what area we were getting into now, because I had certain concerns about certain areas that should be looked at.

I'm very pleased to see, for instance, the Law Reform Commission is looking at the law of property. I've said this before, I suppose in one of my opening speeches in the House and I'd better make it again before I become a member of the establishment or get my QC or something.

**Mr. Nixon:** It's coming up, by the way.

**Mr. B. Newman:** Be careful or you may not get it.

**Mr. Roy:** I'd better make the observation again while it's still fresh and it was so obvious to me. I'm very pleased to see the Law Reform Commission get into that; the law of property.

Maybe I've got a natural dislike for property as one of the few subjects I failed in law school, and I always hated real estate but I could never understand in the technological age we have now, why it was necessary, in every property transaction in this province, for somebody to chase down to the registry office and get out all those documents and start looking through them to follow the title. When we can microfilm whole libraries, when we can microfilm a variety of other things, it just struck me that was a system propagated by the lawyers for continued income. And I will probably have two partners who are going to tear my head off when I get back to the office some time later in the week.

But basically, it struck me it just didn't make sense in 1977, or back in 1971, every time a piece of property was transacted, you had to go down to the registry office and pull out the documents, review them all and go through that title search. Why couldn't you just press a button to say, "Your title is good," or "It is not good," or "Here is a problem," or whatever?

I appreciate that can only be as good as what you feed into the computer, but I am very pleased the Law Reform Commission is looking at this. I am not sure they are looking at this area, but I would hope they would look at this because it strikes the ordinary lay person that with all our technology it just doesn't make sense in transacting titles today, we should have to go through this whole process.



They are looking, as well, at the question of enforcement of judgement debts. Of course, that is something that is sorely lacking. We will certainly need some suggestions in there. Sometimes our courts just don't work in that area and it only works when an approach is taken by way of collection agencies who start making phone calls late at night and start threatening little old ladies and things of this nature. They are the only ones who seem to have any success.

The other thing that is interesting is the question of product liability. So I look forward to some of these recommendations, but I would make this final suggestion to the Law Reform Commission. You talk about them looking at professionals and the relationship of one profession to the next. You know, somebody should be looking at what is going to happen down the way if we keep pouring out the number of lawyers we are doing now. I said in my opening comments and I did not get your response, but I repeat it again, the only thing limiting the number of lawyers—in Ontario, at least; I don't know about any other jurisdictions—is the number of seats in that classroom, in every law school. What is happening, of course, is the law schools are intent on having every seat filled because they are paid so much per student and the more students they have, especially at the post-graduate level, the more money they make. It bothers me when I see some of these people within the profession who have difficulty even getting articling positions now, who have difficulty setting up practice. What happens when these lawyers start, especially when you have that combined with a Legal Aid system where people start hustling certificates?

I find the Law Society somewhat insensitive on what this does to a profession and the community. Is there not any concern? Maybe some of us who express concern are overly paranoid about this, but I wonder when you get too many people out there and you hear comments now about the hustling going on around the jails and the hustling going around the courthouse and the ambulance chasing that is going to take place.

**Mr. Nixon:** It is called competition.

**Mr. Roy:** Sure it is called competition, but it reaches a point where, especially where you have a Legal Aid system it is really open to abuse. It is fine when you have competition and the client can get something done cheaper in one place than in the other, but what about when it is Legal Aid paying and the lawyer can stretch out the proceedings

and get more money for proceedings? You know, I just wonder.

**Mr. Nixon:** We ought to get back to that fee competition.

**Hon. Mr. McMurtry:** Mr. Chairman, I thought we might get back to the question raised in the member's opening statement. I did not intend to simply ignore that, but I think it is a very difficult problem for the Law Society to limit or reduce the number of lawyers who are being called to the bar or law students who are being called to the bar in any one year. Obviously, the number of places now available in law schools in the province has increased dramatically over the past 10 years in particular. But that notwithstanding, Mr. Chairman, the simple fact is only about one in five applicants gets admitted to a law school. I may not be precisely accurate on that, but it is something like that. It means a very large number of our young people who have university degrees, under the existing system, are prevented from going to law school and at least having the opportunity of competing. Consider the fact of the enormous demand to get into law school, only a relatively few people, although it's still about 1,000 a year recently, are being called to the bar. It still represents a very small percentage of young citizens of this province who would like to have the opportunity to practise as lawyers.

I certainly wouldn't recommend any reduction of that number simply because of the fact that it is more difficult now to get a job or to earn a living than it was five years ago. I think we're into a very sensitive area if we suggest, that in order to keep down the type of competition that may be leading in certain cases to unethical conduct. We reduce the number of people who have been called to the bar. That is one way of attacking the problem.

I would like to think that the more effective way of attacking that problem is by making sure that the Law Society is ever vigilant in relation to maintaining professional ethics. I would hope for the 1,000 people a year who are being called to the bar in this province, if they do not necessarily stay within the legal profession as practising lawyers, there'll be many other opportunities that will avail themselves.

Certainly this has been a problem of concern to the Law Society of Upper Canada in recent years. At the moment they haven't come up with any easy solution. But I for one would not support at this point in time any sort of artificial cutback on the number of places presently available in law schools of the province.



**Mr. Nixon:** I feel constrained on this very item to express a concern that the costs of providing legal services don't seem to be in any way affected by the number of competent lawyers anxious to do the work. Of course we find this in the teaching profession, in the medical profession, and right across the board. Those of us who believe in the supposed old fashioned rules of supply and demand have certainly had our eyes opened in this regard, because it just does not apply. I don't know what the Attorney General can do about it, but it does bring to mind something that we have already talked about to some extent and that is the role of the Municipal Board in this very matter.

It comes to mind because I have in my hand the ruling of the Ontario Municipal Board regarding the annexation of parts of the townships of Innisfil, Vespra and Oro to the city of Barrie. Without talking about it in detail, I would simply draw the minister's attention to the very impressive lineup of stellar legal talent that all gathered in the city of Barrie to argue before the Municipal Board.

I think it would just be enlightening if I read this list, when we talk about the cost of legal advice and counsel with respect to some of the actions of the government. The counsel list is on part of two pages and is headed by James F. McCallum, QC, O. J. Rowe, QC, and John G. Chipman for the city of Barrie; John Sopinka, QC, and William Bogart for the township of Innisfil; B. S. Onyschuk and R. R. Arblaster for the township of Vespra; Collin Campbell and David S. White for the township of Oro; Robert Lawrie for the county of Simcoe; J. J. Carthy, QC, and R. K. Webb, QC, for South Simcoe Estates; Robert W. Macaulay—who never worked for anything less than \$75 an hour five years ago, God knows what he charges now—and R. K. Webb, QC, for Abbey Glen et al; Allan S. Blott and N. J. Pepino for Paramount Development Corporation; Dennis H. Wood for Joyce L. Woods and 70 ratepayers; Douglas K. Laidlaw, QC—he's appeared in this building frequently—for Rice Construction Company Limited; Peter Petropoulos for A. DiPaola, A. White and H. Hicklings;—

[9:15]

**Mr. Lewis:** At least the clients can afford to pay.

**Mr. Nixon:** —David T. A. Hogben for Beau Bar Development Limited; T. C. Marshall for the Treasurer of Ontario; Roger G. Oat-

ley for J. Stollar Construction; Peter H. Howden and Anthony A. Peckham for Emery Miller; David F. Smith for Golden R. Campbell and ratepayers; David R. McGregor for Susan Haddow; D. J. Sugg for Taurus Developments and others; Allan Leibel and E. A. Goodman, QC for Star Bush Holdings and Coventry Group Limited—I don't know what his hourly rate is; Edwin J. Myers for E. Hodge; I. M. Reid for the Ministry of Treasury, Economics and Intergovernmental Affairs—they had good coverage there; and William J. Leslie for J. Fran Enterprises Ltd. and Wilmore Limited.

I didn't count them up, but probably it is as impressive a galaxy of legal stars as you could gather this side of Philadelphia, and probably even better than that.

The first paragraph in this report says: "This is an application by the city . . ." et cetera; at the outset of the hearing the board was informed that the city would not present any evidence to support the annexation of one portion. I simply draw to your attention, Mr. Chairman, it was an application for a large annexation. The first meaningful paragraph says: "The board was advised by letters from the Hon. W. Darcy McKeough that as a result of the report of the Simcoe-Georgian area task force development strategy, Exhibits 4 and 5, it was government policy that the board should order the annexation of an area that would provide for a population of 125,000 by the year 2011."

While we're worrying about using up all the legal talent, it seems to me a sort of a futile approach that we establish the Municipal Board to hold supposedly open hearings with the idea that their decision is going to depend on the merits of the case, and then from a person who was well represented by two of these lawyers, they simply say—I mean it is inherent in their statement—that they're going to have to award the annexation anyway. The rest of it is justification for this little piece of land and that little piece of land. It really must be frustrating to anybody concerned, as I find it frustrating here, even to think of the costs of the legal representation, all of those great minds sitting around at these hearings when in actuality the outcome was simply dictated by the chief planner.

We discussed this before. I wasn't objecting to his making his statement to the Municipal Board, but if we're going to use the Treasurer as the chief planner of the province, which he is by Act of this Legislature, then why not let him plan and not



go through this very misleading and expensive procedure? Has the minister any comments about that or does he feel this procedure is still valid and useful in our society?

**Hon. Mr. McMurtry:** I think the procedure is useful and valid. I don't wish to comment on that particular decision of the OMB because I have reason to believe it will be before the courts of this province and that legal galaxy, to which you've just referred, will be further employed—

**Mr. Lewis:** Check their per diem.

**Mr. Nixon:** And here we were worried about using up their time.

**Hon. Mr. McMurtry**—perhaps in an application before the divisional court in relation to the judgement of the Municipal Board in this matter. It would perhaps be inappropriate of me to comment further in respect of that particular judgement.

**Mr. Ziemba:** I would like to ask the Attorney General when we can expect a reform of our present system of fines, as the Law Reform Commission had suggested so long ago. The Law Reform Commission suggested we could follow the Swedish model and base our fines on ability to pay.

What we're doing these days is operating debtors' prisons. A \$200 fine to someone on welfare may as well be \$2,000 or \$20,000, they can't pay it. I've heard of a number of cases of young people winding up in jail and not being able to meet the bail—the parents are not willing or not able to meet it—and a young person was abused and brutalized until someone came to his rescue. What I object to is the kind of chequebook justice that exists now.

The Law Reform Commission has suggested that a fine should be based on a day-fine system of one per cent of an individual's annual wages to be equivalent to each day he would have to serve in jail. In other words, someone who was earning \$5,000, if he ended up with 30 days, would pay 30 times five or \$150, but someone earning \$20,000 would pay 30 times 200 or \$600. That seems a lot fairer than the system we have now.

It has been reported that 66 per cent of our native peoples are in prison simply because they can't pay their fine. Debtors' prison indeed; I wonder when the Attorney General is going to move in this direction.

**Hon. Mr. McMurtry:** First of all, we're dealing here with some basic judicial discretion. No Attorney General can direct the courts what to do in this respect, but we are moving very much into a fine option system.

Certainly community work orders are part of this proposal, and we support the view adopted by the federal Law Reform Commission that people should be given the opportunity of working out a fine rather than being incarcerated. We believe that incarceration for non-payment of fines should be absolutely the last resort and that every other alternative should be explored. Community work orders are one avenue we are pursuing.

All I can say is that I share the general concerns of the member for High Park-Swansea, but there are some other matters dealing with bail as well. Certainly most of the criticism my ministry deals with is in relation to the relatively easy availability of bail since the implementation of the Bail Reform Act. I'm not suggesting that there aren't people who still are retained in custody because of their inability to raise bail, but I think those cases have diminished somewhat dramatically. Most of the criticism I hear is about the easy availability of bail for allegedly or purportedly dangerous offenders.

**Mr. B. Newman:** I wanted to raise with the minister a question I originally asked him on April 9, 1976, in relation to lie detectors. If the minister can recall, at that time there was a problem with some municipal employees in the city of Windsor when several of them had to take lie detector tests. Has the ministry now any set policy on the use of lie detectors? If it has, would he spell it out for us?

**Hon. Mr. McMurtry:** I'd hoped we might be introducing legislation this fall on the use of lie detectors in employment situations. The matter has been reviewed by the Ministry of Labour and I'm optimistic that legislation will still be developed prior to Christmas. It has not yet reached the stage where it has been considered by cabinet.

There are a number of people in private industry who have indicated their desire to make representations to the government before we pass the legislation. It's been suggested that the use of lie detectors or the polygraph machine is a necessary adjunct of an effective operation. I personally do not agree, but I will try to advise the member further, again before these estimates are concluded, as to just what stage we are at. Certainly my stated intention in this Legislature, to recommend to my cabinet colleagues that we proceed with some legislation in this area, still stands. I hope that we will hear something further of a concrete nature before Christmas.

**Mr. B. Newman:** I certainly hoped to hear from the minister, because when I asked the



question on April 9, 1976, at that time he replied that he would look into the Windsor situation and report back to me. That was 19 months ago, and there still has been no report forthcoming from his ministry. I hope the minister works a little more expeditiously when it comes to introducing legislation.

**Hon. Mr. McMurtry:** When the question was first asked and answered, my first response was that this was a matter that I was confident would be dealt with in some detail, firstly by the report of Mr. Justice Morand into police practices in Metropolitan Toronto. I think it was some time after that that Mr. Justice Morand released his report and we were awaiting that report, as I have already suggested, because the use of the polygraph machine was a very significant aspect of that public inquiry. But I appreciate the member's frustration and we'll try to move along with the matter.

**Mr. B. Newman:** I thought the minister would have looked into the Windsor situation in particular and then reported back on it, but apparently other things come between that answer.

**Mr. Sargent:** About a year ago, on November 25, 1976, talking about law reform, the Attorney General was quoted as saying: "New instructions will be given to judges and Crown attorneys that wiretap authorizations not include bugging lawyer-client conversations except in extremely rare circumstances." What has been done in this regard?

**Hon. Mr. McMurtry:** We discussed this a little earlier today when I think the member for Grey-Bruce was absent from the chamber. This was a matter of some discussion between the member for Ottawa East and myself. We were talking about the guidelines that were sent out to all Crown attorneys in the province who had authority to seek wiretap authorizations. They are carefully structured guidelines, a copy of which was provided to the Liberal justice critic, and which were directed to avoid the interception of any solicitor-client communication except in the most relatively rare circumstances. It is something we have directed our attention to.

The instructions were circulated some months ago and I think it was agreed by the Liberal justice critic that they were a good set of guidelines and hopefully will avoid any interception of solicitor-client communication.

**Mr. Sargent:** That just shows I don't know much about the legal setup. I thought it was the judges who controlled the wire-tap laws in this province. Is that not true?

**Hon. Mr. McMurtry:** The procedure is for

an authorized Crown attorney to apply to a superior court judge for an authorization. The judge must be satisfied, according to the criteria that have been set out in the Criminal Code, that it's a proper case for a wiretap. But included in the judge's order, at the request of myself and my ministry, the Crown attorneys have been instructed to request that the wording of the authorization will be such as to avoid, wherever practical, the interception of any communication between a solicitor and his client.

[9:30]

**Mr. Sargent:** In this regard, a bar association was told that judicial control over wiretapping is a joke; that police can choose the judge needed to authorize wiretaps. Does the minister see any way around this?

**Hon. Mr. McMurtry:** That allegation was really, I think, somewhat irresponsible. I am aware of the article to which the hon. member refers. We know that Supreme Court judges, for example, have established their own duty roster in this area. The Chief Justice of the High Court has made it quite clear that various judges will be available at any particular time. So a Crown attorney will appear before a particular judge, depending on the rotation. The rotation of judges is, of course, within the control of the judiciary through the Chief Justice of the High Court, so it makes it very difficult to embark on any judge-shopping as suggested by the article to which you referred.

**Mr. Sargent:** Do you furnish an annual report of the wiretaps? How many were there last year? Have you given that out yet?

**Hon. Mr. McMurtry:** Before dinner I said the annual report was about to be published, I didn't think that it had been published. In the report we set out the number of authorizations that we applied for; the number of authorizations granted; the nature of the offence for which the authorizations were sought; and, as well, the number of charges that have been laid following these authorizations. This is quite a complete report.

To assist the member for Grey-Bruce I will furnish him this week with a copy of last year's report while we are awaiting this year's report, so that he will have an idea about what is included in the report.

**Mr. Sargent:** Thank you very much, Mr. Minister—and the number of convictions obtained too.

What would the minister think about reform in the wiretap law? For example, where no charge is laid, the party involved has no right to see the data from the wiretap. What



kind of justice is this when it is a one-way street?

They can charge a man, they can tap his home or his business, he is not convicted yet he can't see the information. What kind of a law is that? What kind of justice is that? It is a one-way street.

**Hon. Mr. McMurtry:** This is a matter that was raised initially by the member for Ottawa East (Mr. Roy). We took some time over it.

**Mr. Sargent:** I am sorry, if it has been dealt with it is okay.

**Mr. Roy:** I just want to make one comment. I know we discussed the question of wiretapping before, but it is something that could be considered within policy or research or whatever.

I just want to make this comment to the Attorney General in reference to the remarks of my colleague from Grey-Bruce about the question of judge-shopping and that sort of thing.

I don't know who made that statement. I suspect it was probably some defence counsel here in Toronto and I could just visualize who it might be. I am not considered to be a radical by any stretch of the imagination, but I have expressed this to the Attorney General before. One of the reasons I got so exercised about the Perth situation, about tapping the defence council who was in to see his client on a murder case, was that I was clearly under the impression, and that's been confirmed, that many of our judges who are supposed to be the safeguard between the citizen and the police requiring the use of that wide-sweeping power, were in fact rubber-stamping these applications, they weren't really going into it.

I've been advised that judges are looking at these applications more closely, but I don't have any doubts that there is some judge-shopping going on in spite of the fact that there may be a roster. The Crown can tell or will know who's on the roster on a particular day and will wait, and will not go before one judge or another judge.

The same goes on in county towns where authorizations are obtained from county court judges. There is some judge-shopping going on. How you can avoid that I really don't know.

For instance, is there any record kept of a refusal by a judge? I suspect there should be. Is there anything stopping you, if you get a refusal from judge A, from going to judge B to obtain a particular authorization? That statement made by my colleague may have been wide-sweeping and may have gone too

far, but there is some measure of concern that judge-shopping can take place.

We have to be ever vigilant. I have great faith in the judiciary, but the judiciary, frankly, in this field needs to have the cases of abuse brought out to alert them and bring to their attention that sometimes authorizations are given for one purpose and may end up being used for another purpose. They are our only protection in all of this. They have a very heavy responsibility. If you get a perception out there in the public that the judges are in fact just rubber-stamping these applications, I think the whole administration of justice suffers.

**Mr. Sargent:** I'm sorry, Mr. Chairman. I gather my colleague wasn't satisfied with the answer regarding the accused being found not guilty although he was tapped. What is the minister's answer for that?

**Hon. Mr. McMurtry:** I was going to respond to the member for Ottawa East. I was just consulting with one of our senior Crown law officers here, because it's been my understanding that we have never gone to another judge after having been turned down by one judge.

What normally happens is a judge may send our agent back for additional information but our recollection is, and we can't be 100 per cent certain but my source would have a pretty good idea if this had happened, our recollection is that there is no case where we have been turned down by one judge and gone to another. However in that event, the policy would be to advise the second judge we've been turned down by the first judge.

**Mr. Roy:** But you see one of the problems on that point. As I recall looking at the statistics—that was back last year and I haven't seen the more recent ones—less than one per cent of the demands have been turned down, I think, across the country.

I don't know what your record is, but I appreciate you have very good Crown attorneys and very good personnel within your ministry right across the province. I've worked within it, I know something of it, and as much credit as I want to give them, they're not that good. They're not 99 per cent. I wouldn't think they were that good, so as to get just one per cent refusal or maybe less.

That's why I was concerned to say that it appears to me, just looking at it on the surface, that the judges in fact are just granting these as a matter of course. It may well be that you're right, the reason you've got such a high percentage of authorizations



granted is that you may have to go back two or three times for the one authorization. A judge says, look I need this, or I need that; I need more information on that. In fact when he's sending your fellow away to bring back more information he's not turning him down, he's just saying get more information before you're granted this; I don't know.

**Mr. Sargent:** I would like to clarify my position now. This won't take a minute. A principle is involved to my mind. Could you see my good colleague from Ottawa in the legal fraternity? You all run the biggest crap game in the world. The people are in the middle all the time. Most of this hocus-pocus going on back between you and him is understood but as the lead paragraph in this news item states: "A Guelph man who was told earlier this year that his telephone had been tapped was told by the Supreme Court of Ontario yesterday that he has no right to see the information that led to the wiretap."

There was no charge laid. Now what right have you, as the Attorney General, to okay this, which you did.

The Attorney General shakes his head; you mean you did not?

Right then, where do we talk about reform. Who do we talk to about reform? What can you do about it?

**Hon. Mr. McMurtry:** If I may be permitted, Mr. Chairman, the answer I gave earlier to the member for Ottawa East is, first of all the legislation of the federal Parliament of Canada absolutely prohibits or precludes me as an Attorney General, or anyone else, from revealing any information with respect to the circumstances related to a wiretap. If a provincial Attorney General gave out this information he could be charged with an offence under the federal legislation.

Now I am concerned, as I indicated earlier, about the problem raised in the case of—Mr. Zadik, I think it was—the decision of Mr. Justice Gallighan whereby a citizen suddenly receives a notification he has been the subject of a wiretap and may have no reason, may honestly have no reason, to believe he could possibly be the subject matter of a wiretap authorization.

We are concerned about it. We are in a position to make representations to the federal Minister of Justice, as is any provincial Attorney General. The matter has been drawn to my attention in relatively recent weeks and I think it is a matter of legitimate concern. I have asked my senior

law officers to review the matter to ascertain whether we cannot come up with some suggested amendment to the Criminal Code, some proposal I can make to the federal Minister of Justice to alleviate the situation, because I agree it can be a very unhappy situation for somebody who may be totally innocent of any wrongdoing. Particularly, as I said earlier, if his child took this notification outside and it fell into the hands of a neighbour or friend who as a result suspected this person had been involved in some sort of criminal activity just by reason of the fact the authorities were able to make him the subject of a wiretap.

We are concerned about it; we are reviewing it with a view to deciding whether or not we can make any useful suggestions to the federal Minister of Justice.

**Mr. Sargent:** Mr. Minister, thank you. If you cannot do this, if you don't go to Ottawa and pound the table and say we want this done, it is the end of the road for our free system. If this can happen to a guy it is the end of the road in our system if we cannot do anything about it.

**Mr. Foulds:** Along the same lines as have been recently raised, I first of all want to thank the Attorney General's officials for getting me the annual report of 1976. I am curious about the large number of applications for legalized wiretapping occurring in bookkeeping and conspiracy to make book. Is that because that seems to be an activity where there is suspicion organized crime is involved; this happens to be a large area of concern?

[9:45]

**Hon. Mr. McMurtry:** Bookmaking is an activity which produces very substantial funds into the coffers of organized crime and obviously the nature of the bookmaking industry does require the use of telephone lines to some extent; it's therefore an area in which I think one would expect the police, assisted by Crown attorneys, to seek a fairly large number of wiretap authorizations.

**Mr. Foulds:** In 1976 I gather there were 312 applications for legalized wiretaps and, as a result, there were 357 people arrested. Those seem to be the figures that come through in the report. What bothers me is that doesn't give a good sort of percentage of winnings, so to speak. Does the Attorney General know how many of the individual wiretaps resulted in multiple arrests and how many resulted in no arrests? There's also a category where intercepted information was used but not adduced, 132; what does that mean?



**Hon. Mr. McMurtry:** First of all, the report that we publish annually in the Ontario Gazette is required by statute. The contents of that report are governed by statute, section 178 of the Criminal Code. We are of the view that there could be a better reporting system; that it could be improved on. As a matter of fact, we are working on recommendations to the federal government in order to make the annual report that is published more edifying to those who are interested in this matter.

**Mr. Foulds:** Perhaps understandable.

**Hon. Mr. McMurtry:** And, hopefully, at the same time understandable.

**Mr. Foulds:** I notice that three of the interceptions occurred in motor vehicles. Were those telephones in motor vehicles?

**Hon. Mr. McMurtry:** Not necessarily.

**Mr. Foulds:** What would they be? How does one intercept a communication in a motor vehicle?

**Hon. Mr. McMurtry:** One could place an intercepting device, commonly known as a bug, in an automobile to overhear the conversation.

Item 4 agreed to.

On item 5, royal commissions:

**Mr. Roy:** We're going to spend \$1,251,000 on royal commissions. Which ones are going now, just to keep me up to date what's happening?

**Hon. Mr. McMurtry:** With respect to royal commissions, and in response to something that was said by the member for Grey-Bruce (Mr. Sargent) earlier, the role of the Ministry of the Attorney General in royal commissions is simply to provide some of the mechanical assistance that is necessary.

We do not have any control whatsoever over the conduct of a royal commission. That, as I know is appreciated by the member for Ottawa East, is solely within the control of the commissioner, who in most cases has been a Supreme Court judge, but not necessarily. The role of the Ministry of the Attorney General is to assist the commissions with respect to finding facilities for the conduct of their hearings, including office space, necessary support staff and mechanical resources that may be necessary for them to carry out their responsibilities.

I think it's important to reiterate that the commissioner, who more often than not is a judge, has the right to appoint his own counsel and the commissioner has the conduct of the inquiry. It was alleged that the government had something to do with the

subpoenaing of certain witnesses who were candidates in the last provincial election before a royal commission one day prior to the last provincial election. That matter would be the decision of the judge who is conducting that, together with his counsel. With respect, it is impugning the integrity of our judiciary to suggest that it is not totally independent of the government in conducting these inquiries.

We've had a royal commission on Metropolitan Toronto, the Robarts commission. That concluded recently. The Toronto Jail inquiry has still not reported yet. That was Judge Shapiro's commission. The LaMarsh commission has reported. The commission on Algoma University, I believe, has reported. We know that the North Pickering commission, headed by Mr. Justice Donnelly, hasn't reported. It's heard very little evidence to date.

**Mr. Roy:** That has got to be a fiasco.

**Hon. Mr. McMurtry:** We have the professional organizations study, headed up by the Deputy Attorney General and Drs. Dupré and Corry.

**Mr. Roy:** Which one is that last one?

**Hon. Mr. McMurtry:** That's not a royal commission as such, but it is funded under that item in the budget for royal commissions. The ones I've just referred to are all those that are pending. There's a waste management commission and a commission into pensions, but there's been no request for funds for these latter commissions I've referred to.

**Mr. Roy:** What about Williston? Doesn't he have a commission?

**Hon. Mr. McMurtry:** He has a committee but it doesn't come under royal commissions. It comes out of the general budget of the Attorney General.

**Mr. Roy:** Whom do you pay? You wouldn't pay the counsel?

**Hon. Mr. McMurtry:** Yes.

**Mr. Roy:** Take Judy LaMarsh; now that's an interesting commission.

**Mr. Foulds:** There is not enough in the budget for her alone.

**Mr. Roy:** Who would pay Judy and the other two people? Of course, Judge Beaulieu was a judge, so he'd be getting his regular salary. Who would pay Judy and Scott Young?

**Hon. Mr. McMurtry:** It would come through our ministry. All of these salaries would come through our ministry. We handle



the mechanical details, including paying the commissioners who are entitled to a salary. The judges do not receive a salary for serving.

**Mr. Roy:** Can you help me? For instance, in 1976-77 there seemed to have been a jump there in the estimates for commissions. It's up to \$3 million. This year we're going back down to \$1.2 million, that's the estimate. Sometimes there's a difference between the estimate and the actual.

**Hon. Mr. McMurtry:** There invariably is.

**Mr. Roy:** In 1975-76, the estimate was \$620,000, that was the estimate that we voted on. You actually ended up paying \$2.7 million. You were out by \$2 million. I understand that's not your fault, I'm not being critical, I just find it somewhat strange.

**Hon. Mr. McMurtry:** If I may respond, all we can do at best is make a wild guess. That's the one item which is totally out of our control, because we have no control in the ministry over what commissions are established during the course of the fiscal year.

It's impossible, obviously, to predict from one year to another what commission may be established by cabinet during the year. At best, we concede we can only make a very rough guess because the establishment of the commissions has nothing to do with the ministry.

**Mr. Roy:** But they're paid through your ministry?

**Hon. Mr. McMurtry:** Yes, they have to be paid through some ministry. Because of the nature of the Ministry of the Attorney General, and because of the judicial or quasi-judicial role of these commissions, I suppose we're the appropriate ministry to fund these commissions. But we have no control over the commissions being established, and therefore it's impossible for our people to predict accurately what the figure will be unless we're just plain lucky.

**Mr. Roy:** Then let me ask you this, while I'm on this, if my colleagues will bear with me: Considering you're the one paying out the money, who is accountable? How am I going to know how much Judy was paid over the last two years out of these funds? It's coming through your office, I take it I must go through your ministry.

I've always wondered about that. How am I going to get, as a representative of the people, to ask certain questions about the moneys that are allocated for certain commissions, and more specifically that commission on violence on television? Are you in a position to give me a breakdown of how

much that commission cost; how much Judy was paid; how much Scott Young was paid and that sort of thing? What were the expenses? Give me a breakdown of that one particular commission at least?

**Hon. Mr. McMurtry:** One vehicle where you could obtain this information would be through the standing committee on public accounts from which this information would be available; and during our estimates we should be able to obtain this information as well.

**Mr. Roy:** I appreciate that you'd get the information if I started being nasty with you about that particular commission; you're not the one who had anything to do with the policy of establishing it, it just happens that a commission is created by the Premier and you have to follow along and pay out the money as needed after the commission is established. The only other way we can get at it is through public accounts, and that sometimes is not as effective as getting to the minister, for instance yourself, the Attorney General, and really being critical and saying: "What is going on?" You then get back to whoever has established the commission and say: "Look, I got hell from the members about this particular commission here."

In other words, it's a question of accountability. It becomes difficult to draw the line as to whom we should be questioning about this. So possibly before the estimates are over—you were looking at a sheet of paper, maybe you're now in a position to tell me how much that commission has cost and how much Judy has been paid.

**Hon. Mr. McMurtry:** The total cost of the commission—it formed part of three fiscal years—the total as of September 30, 1977, over these three fiscal periods, was \$2,130,688. That may well be in your notes on the estimates. I'm not sure whether it is or not.

**Mr. Roy:** No.

**Hon. Mr. McMurtry:** I don't have any further breakdown than that. We can obtain this for you.

**Mr. Roy:** Pardon me? I don't know how much Miss LaMarsh was paid over those three years.

**Hon. Mr. McMurtry:** We can provide you with that information, although I can't at the moment.

**Mr. Foulds:** I want to proceed with a different commission. Presumably the Hartt commission funding comes under this vote.

[10:00]

**Hon. Mr. McMurtry:** This is actually one-



commission that will not be funded through our ministry. I think it may be because of the size of the commission and the length of time during which it will be sitting and making its findings. I would imagine it was thought better to fund it through the Resources Development policy field.

**Mr. Foulds:** This I find most peculiar. The Hartt commission was set up under the Public Inquiries Act, if I am not mistaken; and since the ministry expended more than \$2 million on Judy LaMarsh, why the reluctance to accept the responsibility for the Hartt commission. Was that a cabinet decision?

**Hon. Mr. McMurtry:** I am not reluctant at all, but by reason of the nature of the commission and its broad terms of reference—I don't even recall how the decision was arrived at—and the involvement of the Resources Development policy field and the resources of these various ministries that will be involved, it was obviously thought appropriate, because of the very nature of the Hartt commission, to fund it and administer it through different ministries.

If they had asked us to do it, we would have assisted. Of course we would have. But I think one has to look at the nature of the commission. It was just thought more appropriate to fund it through the Resources Development policy field because, of course, this was the area in which Mr. Justice Hartt was going to be conducting his inquiry in that field. In retrospect I suppose one could have said, for example, that maybe we should have funded the LaMarsh commission through the Ministry of Education or the Ministry of Transportation and Communications.

**Mr. Roy:** You really had a problem with that one. There was no jurisdiction.

**Hon. Mr. McMurtry:** There is no obvious formula for this. In the past, given the nature of the commissions and the manner in which they are conducted, normally the commission—not the LaMarsh commission, but other judicial inquiries—they sit in one location. In the Ministry of the Attorney General we like to think we have some degree of expertise in helping establishing a commission, which does require the apparatus similar to that that is used in a courtroom and, for convenience, we have taken on that responsibility in the past.

The Hartt commission is rather a unique commission and it didn't surprise me to learn, actually for the first time, that it was not being funded through our ministry.

**Mr. Foulds:** May I just follow this up? I

find it quite fascinating. It might be unfair to the Attorney General but I assume that this is the first inquiry or the first royal commission that has not been funded through the Attorney General's office and he just became aware of that tonight.

**Hon. Mr. McMurtry:** It's not the first one. The Porter commission isn't funded through our ministry either. I think we are dealing with a very lengthy inquiry. Quite frankly, until a few moments ago I never directed my mind as to whether it was funded through our ministry or not, because obviously our ministry had very little if anything, to do with the establishment of the Hartt commission. So whether it would be funded through our ministry or not, quite frankly, at best would be of academic interest to me.

**Mr. Foulds:** Surely the Attorney General would agree that one of the fundamental questions before the Hartt commission is in fact the legitimacy or the non-legitimacy, for example, of Treaty No. 9, Ontario being a signatory to that document. I would assume that the Attorney General would have more than a passing academic interest.

**Hon. Mr. McMurtry:** I have a great deal of interest in the Hartt commission. As a member of this government, I am totally interested in the Hartt inquiry, but as to which ministry the funds go through to finance it, I have said that matter was really of very little interest to me. The activity of the Hartt commission is of enormous interest to me.

**Mr. Foulds:** I would like to point out that the Hartt commission is involved not merely in the examination of resource exploitation, but there are some very real and important legal questions that I would assume your ministry would have an interest in that need to be examined by that commission.

I would assume the Hartt commission is going to establish at some point a fairly formal, court-like procedure in which you indicated your ministry had some expertise. Are you telling me that Mr. Justice Hartt has not consulted with your ministry about that, about the kinds of hearings they will have further down the road? Are you telling me that from your memory as a cabinet minister and as the Attorney General you were not consulted before the decision was made by the government that funding would be through some collective agency that you are not presently aware of?

**Hon. Mr. McMurtry:** I really don't know what the hon. member is driving at at all. Whether Mr. Justice Hartt has consulted with me personally or not, if there was any



assistance available in the ministry, of course we would provide him with the assistance.

The terms of reference of the inquiry were, of course, of great interest to me as a member of the government. The setting up of the inquiry and the terms of reference were of great interest to all members of the cabinet.

As to whether we actually funded it through ministry A, B, C, D or E, I must admit that has not been of great interest to me at all.

**Mr. Sargent:** The minister implied that I should respond regarding my statement that the royal commission on Ronto, that they used the courts, he implied that the courts were being impugned. Well I think at this time and place it is fitting that we have a commission investigating a commission.

**Mr. Warner:** You should be on it.

**Mr. Sargent:** Royal commissions are nothing but another political slush fund. They have been defined by others much more knowledgeable than me as designed to bail out the government, to pigeon-hole an issue that might be embarrassing to the government. They put it on the back burner for a long time.

We wanted here in the opposition to make a deadline of six or seven months on the Reed Paper scandal, but as the minister says it may last for years. That's good for the government, it takes the heat off them.

It was a scandalous thing to say the least. Here we had \$620,000 a couple of years ago, and now it is \$3 million. It could well be \$5 million the way the government is stalling certain things that might be embarrassing to the government.

So far as the minister's statement in regard to the Ronto affair is concerned, he said that I was impugning the courts. There was a \$2 million tax exemption promised by the Treasurer to Todgham and the Ronto commission was set up, geared to take the heat off the government, the timing was set so that it wouldn't hurt the government. Here very briefly are the steps involved.

A promise by the Treasurer, \$2 million for a friend. He passes the ball to the bagman, Mr. Goodman, who carries the ball.

**Mr. Foulds:** Carries it very well, as a matter of fact.

**Mr. Sargent:** The minister, Mr. Meen, resigns; the reason for giving the exemption was a \$10 million profit, which was represented as a "hardship." That was the reason they gave the grant exemption, because the \$10 million was a hardship.

The inquiry was to finalize three days after

the election. The Treasurer had hidden from this House the fact he was the guy that set up the whole deal. He did not come forth and tell the House during all those months, that he was involved in it.

That was the blockbuster. That came out three days after the election. It appeared in the *Globe and Mail* on June 14, five days after the election, the fact that he was the man that set up the deal. All this was revealed after the election. Do you wonder why I say who called the shots for the timing of the commission?

**Mr. Deans:** How about the subpoenas?

**Mr. Sargeant:** I'm getting to that.

**Mr. Deans:** You're getting to that? Okay.

**Mr. Sargent:** Who called the shots for the timing of the Ronto inquiry to come out after the election? Did you ask the opposition did they want it before? No. It certainly wouldn't be the member for Scarborough West (Mr. Lewis) or the leader of the opposition (Mr. Smith) you asked. Was it the Premier or you? Who asked? Did the judge ask you when you wanted this hearing to go on? Did they tell you when they wanted to finalize it, to have the results come out in the paper the day before the election?

I can tell you if this report came out in the *Globe and Mail* on June 14 had come out on June 7, the Treasurer would not be in that seat where he is today, and that is a fact. And you say to me I'm impugning the courts.

Mr. Justice Cromarty was the man in charge of the commission. I don't know where he got his instructions, but certainly the timing was a very important factor in these hearings. We in the opposition were elated. We were not then the official opposition, but we were all elated at the fact that this was going to happen before the election.

Somewhere along the line the judiciary got in bed politically with somebody, and I will not take that back.

**Mr. Lewis:** No, but anybody else would have to.

**Mr. Sargent:** I will not take that back, because if I am wrong, you prove me wrong.

**Mr. Deans:** It is a very serious statement.

**Mr. Sargent:** Certainly it's a very serious thing, but this is a serious business when you have the political party in some kind of a quasi-relationship with the courts. That's why I think I will not go along with the minister that I am impugning the courts.

In fact, if you were doing a very realistic job, you would investigate for us how this could happen, this kind of timing. It certainly was not a coincidence in my mind.



I'd like the minister to explain how this can happen in a royal commission.

**Hon. Mr. McMurtry:** I will be very brief. I regret very much the member opposite would use this Legislature and any immunities and privileges that may be contained therein to lodge a totally irresponsible, unfounded attack on a distinguished member of our judiciary. I say to him it is simply a very cowardly act.

**Mr. Deans:** Could you tell us why they issued the subpoenas in the last week and announced it? That really did make me wonder, I confess.

**Mr. Sargent:** I wonder how far the Attorney General thinks he can libel a member of the opposition when he tells the facts that are here, as I've told them. I think that's very cowardly of you to make that response when I ask you to tell me how this thing could happen. You don't know how to answer my questions and so you call me a coward.

All my life I've been in politics and I have never been afraid of anybody else in my whole life. I am not a coward and I'm willing to take the consequence of what I said tonight. As for calling me irresponsible, I am not the man who went about this province saying we should sell marijuana and pot from the liquor stores. I am not the man who said that.

You talk about responsibility. Don't you call me a coward or call me irresponsible, in view of the fact you haven't got the guts to stand up and answer what I've asked you here.

[10:15]

**Mr. Deans:** Can I ask one question on this topic? Maybe the Attorney General could advise me of that one point. Why did the commission feel it necessary to issue subpoenas to the opposition members to appear when they would willingly have come had they simply been asked to appear? He must admit that it's a little much to take, in the middle of an election, to read in the paper that you have been issued with a subpoena to appear before a commission on a land deal where there were some suggestions of impropriety. I was explaining for days afterwards that I had nothing to do with it, that all I was was a member of the committee sitting in for somebody else.

**Mr. Lewis:** He barely got 55 per cent of the vote.

**Mr. Deans:** I mean, I only got 60 per cent of the vote as a result of that. I had a big

majority looking me right in the face when, all of a sudden, this subpoena was issued. Why would they not just ask us to appear? Maybe the Attorney General doesn't know the answer, but it struck me as very odd. That's all.

**Hon. Mr. McMurtry:** I don't have the answer to that. A judicial commission is conducted entirely at the discretion of the commissioner and his assistants, with the assistance of legal counsel appointed by the commissioner. As to whether they choose simply to issue an invitation or to issue a subpoena, it is a matter that is totally within their discretion.

I would think that it might well be appropriate simply to invite members of this Legislature to appear at a particular time. But it is not unusual to issue subpoenas. The timing of it, again, is totally within the discretion of the commissioner. I just cannot comment any further than that.

**Mr. Deans:** I have very little to add to it but, first of all, it struck me as odd that no one from the commission even bothered to contact me in advance. That is the first thing. I would have thought, having sat on a number of inquiries, that it was normal for the counsel to contact people who they thought might have information, to determine first of all whether it was worthwhile dragging them in at all; to see whether they had any information at all.

The second thing is, elections being what they are, they are particularly sensitive and can be swayed by any number of irrelevant and inconsequential things.

**Mr. Lewis:** Like nationalization, for example. A real red herring.

**Mr. Deans:** For heaven's sake, I got a telephone call at 7 o'clock in the morning to talk about this subpoena that I had been issued with. I knew absolutely nothing about it. During the election campaign I showed up down there at the inquiry offices—

**Mr. Lewis:** When you should have been canvassing.

**Mr. Deans:** When I should have been canvassing. Right. That's why I didn't get 65 per cent. I went in there and I was under oath. They asked me if that was my name. I said, "Yes, it is." They asked if I represented the riding of Wentworth. I said, "Yes, I do."

"Do you know anything about Ronto?"

"No, I don't."

"Oh. Have you anything to add to what has been said?"

"No, I don't have anything to add."

"Do you have any direct, personal knowledge of any of the undertakings?"

"No, I haven't." And they said, "You are excused."

Mr. Sargent: You were a big help.

Mr. Deans: And for that they gave me \$25, I think.

Mr. Roy: You are lucky. You only get \$6 in court.

Mr. Deans: But \$25! And, honest to God, it could have cost me my seat in the House. It was ridiculous. It was very badly handled.

I realize the Attorney General cannot do anything about what happened last June, but the next time they do it, it might not be a bad idea just to find out if the people they are subpoenaing in the midst of an election campaign have any information, to begin with, before the public gets the wrong impression of the whole damned thing.

Mr. Lewis: It does sound a little strange.

Mr. Roy: Do you know who the counsel was for that?

Mr. Deans: He was a very kindly old gent who ought to have retired years ago.

Mr. Chairman: Order. The member for Ottawa East.

Mr. Roy: Regarding the point made by my colleague from Grey-Bruce and the member for Wentworth about this idea of subpoenas, I find it interesting as well that they should only be issued to opposition members and not the government members, and the timing—

Mr. Deans: They may have been issued them too.

Hon. Mr. McMurtry: I don't know that that's so.

Mr. Roy: In being critical of that, surely one can make comment without being critical of the judiciary, and it may well be that it might be a good idea to try to get some explanation from the counsel. It may be the counsel who decided to proceed in that fashion. In the process, surely we are entitled to be critical of that approach because it may have been the counsel who made the decision to proceed in that fashion at that particular time.

One can be critical of a certain procedure taken by a particular counsel in a commission without in any way being critical of the judge who presided with the commission. As often happens, the conduct of the case is left up to counsel. He's the one who decides how best to proceed with such matters as who should be called, when they should be called and that sort of thing.

Before we get off commissions I did want

to make another comment. I said to you, after I'd asked about the LaMarsh commission and the fact that the LaMarsh commission cost \$2,130,688 over those three years, that I found it interesting. When you were discussing the Hartt commission, you said you were not particularly surprised. The LaMarsh commission really had no place to go other than your ministry because there was no jurisdiction in any other ministry on the question of communication really. I suppose they had no place to send it but your ministry.

I do want to make this comment about that commission. I hope we'll never see again, when money is so tight in this province, that, for what I consider to be for political purposes prior to the 1975 election—

Mr. Conway: No, really I don't believe it.

Mr. Roy: —the Premier (Mr. Davis) of this province would establish a commission of inquiry to look into a subject matter that was beyond the responsibility and control of this province. I think that was absolutely ludicrous. It was just political posturing. That's all it was.

Mr. Lewis: Oh, no, it wasn't. We were wrong. It was a good idea.

Mr. Roy: Sure, it was a good idea from the political point of view for the Premier.

Mr. Lewis: No.

Mr. Roy: We've got enough commissions going around this province, making all sorts of recommendations within the field of the jurisdiction of the provincial government, which are not implemented, without getting into a field of federal jurisdiction which not only will we not implement but we cannot even implement. There's no way; it's not within the jurisdiction. I say that the money that was spent for that particular commission, in my opinion, was something that was a waste. I think it was used strictly for political purposes.

I know you had nothing to do with the establishment of the commission and the payment of moneys and everything else.

Mr. Conway: The Tories are trying to whitewash the man from Glad. You know that.

Mr. Roy: When I look at how tight money is, and some of us will be discussing court-houses later on and court facilities and things lacking in the administration of justice, when we see \$2,130,000 wasted as it has been here, I'm saying there are other priorities in this province which on the long term would have been much more beneficial than spending it on that.

Mr. Lewis: I want to add a footnote to



this. I want to come back to an exchange I had with the Attorney General briefly at the question period. I have a feeling one of the few judicial commissions of inquiry which could really be justified in this province at this time—and I don't denigrate Hartt or Porter for a moment; I think they're both splendid—would be a judicial inquiry into the activities of the RCMP in the province of Ontario.

I want to put it to you that there are two anxious things about what's happening now. One is the almost unbelievable attitude of Messrs. Cafik, Fox and Basford—never mind Pierre Trudeau. I am really beside myself at the wanton indifference they have to the civil libertarian nature of Canadian society. I have always believed as a democratic socialist—and the party on my immediate right will have to forgive me for this—that Liberal philosophy is terribly quixotic and expedient when it comes to civil liberties. I have always believed as a democratic socialist that there is a direct philosophic tie between the incarceration of the Japanese-Canadians in the Second World War and the proclamation of the War Measures Act in October 1970, and that it is characteristic of small "I" and large "L" liberal philosophy to engage in those kinds of things.

I want to tell you that even I have been surprised and shocked at the responses of the Foxes and the Basfords and the Cafiks, the rationalization of illegality, for the sake of some security of the state, and I don't want to overdo it. I don't even know exactly why I'm speaking on it except that it's been rising in me all week and all day, particularly after reading the stories on the weekend.

I just don't believe that the Attorney General has a smidgen of such an outlook in terms of his view of the way this society operates. Surely he must find it offensive that the Solicitor General is saying now, it is reported in tonight's edition of the *Globe and Mail*, that the medical records would be used as threats against those who threatened the security of the state; Basford getting a standing ovation in Vancouver for talking about the RCMP and the need to protect it; Norman Cafik, whom I hear on the radio, drawing analogies between a wife who might haemorrhage at 4 o'clock in the morning and her husband driving 80 miles an hour and thereby breaking the law to take her to hospital with what has been revealed over the last number of weeks about what the RCMP has been doing. It is just a shocking abrogation of the civil authority. It drives me wild, this kind of stuff from federal

cabinet ministers. Frankly, I would have thought, I say to the Attorney General, that maybe there was a point in the province of Ontario to find out exactly what had been going on among those who headed the security service of the RCMP in this province, because I don't get any sense of defence on the part of the federal cabinet. I just get a sense that they wash their hands of it completely. It's as though we were back to the atmosphere of October 1970 all over again.

I guess the other part of it which truly bothers me is, maybe not the complacency, but the passivity and pessimism in the Canadian populace that these things somehow have to go on; that there is a rationale for them; that there is a gang of dangerous subversives always about, about whom we must be eternally vigilant.

Do you know that in this extraordinary democratic country of ours, with the exception of the madness and pathology of that handful of FLQ in 1970, there is not a subversive inheritance in this country? It's one of the few countries in the western world where there is not a group of dangerous heretics and subversives. We have managed to fashion a political and trade union process through which dissent is normally expressed without the needs to go to the extremes of violence or subversion.

We have our quotient of pathetic Maoist-Marxist-Leninists and right-wing groups as well. Those are pathological things. They are not ideological phenomena. Many of us have dealt with them in our political life. To think that the RCMP will spend its time probing such people and using methods extending from break-ins to the scrutiny of confidential medical records, really makes you wonder. And think of the insidious consequence it has in society.

I was saying to my colleague from High Park-Swansea (Mr. Ziemba) tonight—you will forgive me; all of these kinds of ramifications just tumble one after the other as I think about them—when the member for High Park-Swansea revealed the doctors' gross billings from OHIP, the medical profession practically went berserk. When it is revealed in the public press that there may be confidentiality of records destroyed by the RCMP in the pursuit of using medical material to threaten or intimidate individuals in Canada, there is not a peep from the medical profession.

All of these things sort of add up in my mind to a kind of insidious complacency and indifference to what is going on.

Do you know what tops it all off, if I

may end on this note, Mr. Chairman? I now read in the national newspaper of Canada that Bette Stephenson was investigated by the RCMP. She was questioned by the RCMP because she had a visiting Russian doctor stay at her home. Now, is that paranoia or is that not paranoia? I would never accuse Bette Stephenson of what you might call left-to-centre leanings. As a matter of fact, I wouldn't even accuse Bette Stephenson of leaning, let alone in an ideological direction. Yet she says—and she says, I suppose, with a certain impish delight—that she's the only person in her ministry who has ever been cautioned or talked to by the RCMP.

That is the extent of the deterioration of the civil libertarian fabric which we have so excellently developed in this country. I'm just really bothered by it and wanted to get it off my chest and say to the minister that

if there are grounds along the way for believing that the McDonald commission inquiry in Ottawa is not doing the job, then it may well be worth looking in Ontario, through our judicial process, at what the devil the RCMP may have been up to all these years, because it is doing enormous damage to the values and the balance of values in Canadian society.

**Mr. Deputy Chairman:** Is there any further discussion on this item or can we carry the item?

Some hon. members: No.

**Mr. Deputy Chairman:** Then it will be held over.

On motion by Hon. Mr. McMurtry, the committee of supply reported progress.

On motion of Hon. Mr. McMurtry, the House adjourned at 10:31 p.m.

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# Legislature of Ontario Debates

Official Report (Hansard)  
Daily Edition



**First Session, 31st Parliament**

Tuesday, November 15, 1977

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, Q.C.





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# LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 15, 1977

The House met at 2 p.m.

Prayers.

## NEWSPAPER REPORT

**Hon. W. Newman:** Mr. Speaker, I wish to rise on a point of personal privilege regarding an article that appeared in the York-Durham section of the Toronto Star yesterday wherein a member of this Legislature misled the press.

The article contained remarks attributed to a member of this Legislature, and I spoke with the reporter yesterday who confirmed that the statement, contained in the article was, in fact, made by the member for York Centre (Mr. Stong). I am sorry he is not in his seat today. He was notified by my office that I would be rising on this point of privilege.

The article reads in part: "Al Stong, MPP York Centre, who sits on the Justice committee, said in an interview that the private bill regarding Georgina is being sponsored by Bill Hodgson, MPP York North. Stong said that he is concerned about whether or not the bill should proceed when a court action is pending and said that the MPP for the area, Bill Newman, MPP Durham-York, should be called by the committee. Stong said 'Newman is not presenting the bill because I suspect he wanted to stay away from it because it is so controversial. Although Newman is the agriculture minister, he could still present a private member's bill like any other MPP', Stong said."

Mr. Speaker, I further checked again with the Clerk's office and, as members of this House know, as a cabinet minister I am not permitted to introduce a private bill. The member for York Centre, who is also a member of the bar and a member of the Justice committee, might have checked his facts before, providing the reporter with misleading and incorrect information. Not only did he provide incorrect information, he took it upon himself to present what he thought was my position. In doing so, he has cast aspersions on my character.

**Mr. Deans:** Oh, sit down for heaven's sake.

**Mr. Martel:** You will go up in the eyes of everyone, Bill.

**Mr. Deans:** This is an abuse of our time. Boy, are you getting thin-skinned in your old age.

**Hon. W. Newman:** Mr. Speaker, I have been inundated by calls from my constituents and the press requesting a clarification, and I have tried to set the record straight. Unfortunately, this article has already appeared and it would be virtually impossible to have it corrected before the private member's bill is heard this Thursday, as the weekly papers have already gone to press.

I would ask that the member for York Centre produce an apology for saying what he said in the York-Durham section of the Toronto Star, which was incorrect.

**Mr. Nixon:** Are you supporting the bill or not? What is your position?

## STATEMENTS BY THE MINISTRY

### RECREATIONAL TRAILS

**Hon. F. S. Miller:** Mr. Speaker, today I'm tabling the final report of the Ontario Trails Council. Earlier today I arranged for the Leader of the Opposition (Mr. Smith) and the leader of the New Democratic Party (Mr. Lewis) to receive copies shortly after the report was presented to me.

The Ontario Trails Council report is the result of an order in council two years ago which created a citizens' advisory committee to look into the issues surrounding recreational trails and to make recommendations to my ministry for an Ontario trails program, including research requirements for the program, legislative changes required, a policy framework and an implementation program which would describe the roles of all levels of government, conservation authorities, trail clubs and other interested groups.

The report presents 90 recommendations which call for some form of government action. The public responded very well to the efforts of this council. Over 300 written briefs were presented by interested groups and individuals at the 13 public meetings of the Trails Council. I understand that more than 2,000 requests have been received for a copy of this report.

I want to compliment the members of the Ontario Trails Council and the council chairman, Mr. William Coates of Guelph, who is





present in our gallery this afternoon, for a job well done. Their report has not only posed some interesting questions for the government, but provides a wealth of knowledge on the issues of trail use and trail users within the province.

My ministry will be reviewing the report and co-ordinating the government's response.

## ORAL QUESTIONS

### REED PAPER

**Mr. S. Smith:** A question to the Minister of Natural Resources, Mr. Speaker. Can the minister confirm reports that the Reed Paper proposal is now a dead issue, that the Reed company has decided not to go ahead with the building of its proposed plant, irrespective of the findings of the Hartt inquiry? Can he, in commenting on this, tell us, if that is a fact, whether he has any proposal for some other plant, or whether he will make the timber available in that area for other existing plants? Exactly what are his proposals with regard to that 19,000 square miles or so of timber?

**Hon. F. S. Miller:** Mr. Speaker, I have not been told by the Reed corporation that it does not intend to proceed. I have read, as I'm sure others have, a copy of a statement made yesterday by its senior vice-president before the Hartt commission. I have no inside information. I have talked to the president of the company and I have not been told by the president of the company that it does not intend to go ahead.

**Mr. Lewis:** Which president?

**Hon. F. S. Miller:** Mr. MacIver. I want to tell the member I am allowed, as anyone else here is allowed, to read a statement of that kind and come to my own conclusions. That statement said it did not think the project was economically viable today. I assume that means the company may not wish to proceed.

**Mr. Martel:** Sounds like blackmail.

**Hon. F. S. Miller:** Since we had at least two or three years of hearings under the Hartt commission, we had the Environmental Assessment Act, if applicable, to consider, and most certainly we had environmental matters to consider, design and a whole series of things, I would say that even if that company were proceeding today with its intent, as it was originally supposed to do, it would be several years before anything would actually be started. Markets change dramatically. We are going to do our homework in this ministry as agreed.

**Mr. Lewis:** Good.

**Hon. F. S. Miller:** We will do the forest inventory. We will have the information available. Mr. Hartt will be proceeding with his study. When all those things terminate, if there is a willing person or company and the conditions are right, I certainly will be looking for a person to do it.

**Mr. Lewis:** Pity we didn't start that way from the outset, isn't it?

**Mr. S. Smith:** By way of supplementary: While the minister is looking at this proposal afresh, given these developments, will he be talking to the owners of existing mills and those who might be interested in smaller-sized, more manageable contracts, rather than one contract for the entire area of timber? Will he be able to report to the House at some point on the feasibility of developing that resource, but doing so with great care for proper management, as might be maximized in having smaller areas rather than the whole 19,000-square-mile site?

**Mr. Lewis:** That is what the Hartt commission is doing.

**Hon. F. S. Miller:** Mr. Speaker, I spent a good part of this morning talking to the mill operators of this province. My immediate problem is to keep them in business with their existing mills. Let us not lose track of the fact that the world is overproducing pulp and paper at this present time. We have lumber mills in Ontario closing down in some places today simply because they can't dispose of the chips that are being produced as pulp production is down. So we have an immediate short-term problem very similar to that in the metals business. In the long run, I can only tell the hon. member that it is unlikely any new pulp mill could survive on less than the product of the entire range.

**Mr. Foulds:** Supplementary, Mr. Speaker: Did it cross the minister's mind in any way, shape or form, that the statement by Reed and the campaign that seems to be escalating in the newspapers with regard to the tough times the pulp and paper industry is facing is part of a pressure game to persuade the ministry to cut back on proper forest management?

**Hon. F. S. Miller:** Mr. Speaker, luckily I don't have a Machiavellian mind like my colleague opposite. I honestly do believe the pulp and paper industries are in trouble today because of world oversupply.

**Mr. S. Smith:** Of course they are.

**Hon. F. S. Miller:** I honestly do realize that Reed Paper is losing \$20 million this year.





Mr. Foulds: How much did they make in 1973?

Hon. F. S. Miller: It's always "What did they make before?"

Mr. S. Smith: Socialist paranoia.

Hon. F. S. Miller: I do not believe that this is a negotiating move by the company to force our hand.

### HYDRO CONTRACTS

Mr. S. Smith: Mr. Speaker, a question for the Minister of Energy, if I might: Can the minister explain how it was that Ontario Hydro authorized commencement of work for Bruce heavy water plant D on January 16, 1974, and work was carried on since January 1974. In view of the fact that the then Minister of Energy's (Mr. McKeough) policy statement of July 1974, some six months after work began, stated, and I quote, "The government has deferred decisions regarding the Bruce heavy water plant D pending further recommendations of the Ontario Energy Board expected later this year," and in view of a statement in the Legislature in April 1975 by the previous minister (Mr. Timbrell) stating that the government was "committing construction on the plant now"—there was an announcement of construction at that time, how do things get started and how are they approved between Hydro and the Energy ministry?

Hon. J. A. Taylor: Mr. Speaker, the Leader of the Opposition asked a series of questions. The chairman of Hydro has now responded to those questions in writing and they have been delivered to the Leader of the Opposition.

Mr. S. Smith: Yes, that's a fact. It's because of the fact that I have these that I'm asking a supplementary question: Since I am told by the chairman of Hydro very clearly that Bruce heavy water plant D was authorized for commencement of work on January 16, 1974, and yet the former Minister of Energy (Mr. McKeough) announced deferring of that decision five or six months later and then the previous minister (Mr. Timbrell) issued an announcement in 1975 of the beginning of that plant, how come all these announcements are being made afterwards when work started in January 1974?

Hon. J. A. Taylor: I think that's a matter that the Leader of the Opposition discussed with the chairman of Ontario Hydro.

Mr. Nixon: You are supposed to be in charge of policy.

Mr. Kerrio: Why don't you say you can't answer the question?

Hon. J. A. Taylor: If there is further detail or explanation that he requires in addition to those conversations and in addition to the very lengthy response to the—I believe it was 12 questions—

Mr. Deans: Why don't you just say you don't know?

Hon. J. A. Taylor: —then I'm sure that he'd be happy to supply that. If the hon. member wishes me to pursue that or if the Leader of the Opposition wants higher profile in connection with this matter and wishes to take it up with the select committee, I'm sure he can do that as well.

Mr. Deans: But you should know.

Mr. Roy: It is obvious that you don't want to answer.

Mr. Lewis: Supplementary: Who has the senior political status in this province around matters dealing with energy? Is it the chairman of Hydro or is it the minister?

[2:15]

Mr. Warner: Hydro runs the show.

Hon. J. A. Taylor: Mr. Speaker I think that the leader of the third party should not confuse energy matters with—

Mr. Lewis: With Hydro, I know that.

Hon. J. A. Taylor: —a specific corporation dealing only with the area—

Mr. Sargent: Answer the question.

Hon. J. A. Taylor: —of electrical energy which has its powers and its duties—

Mr. Warner: Why don't you do us all a favour? You don't know what you're doing—you should resign.

Hon. J. A. Taylor: —explicitly expressed in an Act of this Legislature.

Mr. Lewis: To whom does the chairman of Hydro report?

Mr. Foulds: The minister doesn't seem to know.

Hon. J. A. Taylor: The member should know that. Of course he reports to the Minister of Energy in this House as always, absolutely.

Mr. Lewis: He reports to the minister?

Mr. Speaker: Order, please. The supplementary has been asked and answered.

Mr. Reed: Supplementary: Does the minister not feel that the people of Ontario deserve an answer? That's why this question was asked in this House.

Mr. Warner: The chairman of Hydro isn't here.





Hon. J. A. Taylor: If the member is suggesting that his curiosity manifests the curiosity of the people of Ontario then—

Mr. Reed: If you don't know, then say you don't know.

Hon. J. A. Taylor: What do you mean?

Mr. Speaker: Does the member want an answer to the question?

Hon. J. A. Taylor: I wish the member would get together with his leader. If he got together with his leader and reviewed all of that material, including the two contracts and the answers to the questions, he wouldn't be asking these questions today in the Legislature. He has all of that information.

Mr. Lewis: I have a question related to this. Does the minister not realize that in the succession of questions and answers, what is emerging is not so much what happened at site B or at site D but who has the final authority to determine energy policy in this province? Does he not realize that by his answers he seems to be surrendering to the chairman of Hydro an authority which vests in the Legislature and in the minister himself?

Mr. Warner: Right on, he runs the show.

Hon. J. A. Taylor: Mr. Speaker, the leader of the third party is obviously confusing the overall energy policy of this province—

Mr. Lewis: No, I'm not.

Hon. J. A. Taylor: —with the matter of two contracts at Bruce.

Mr. Makarchuk: Are you taking mind-diminishing drugs?

Mr. Warner: We are going to buy the minister an electric chair.

Hon. J. A. Taylor: There's no question about that. It's not a question of surrendering energy policy and the member knows it.

Mr. S. Smith: I have a final supplementary. Regarding this contract for heavy water plant D, can the minister explain why it took until November 3 of this year to sign that contract, when in point of fact it differs in almost no way—only in the fee and the schedule—from the actual contract signed over two years ago for B? Why the delay? What has been the resistance in getting this contract signed? Why has it taken over a year and a half to actually get this contract for D signed when, in fact, it differs in no detail at all from B?

Mr. Deans: Bette, you'd better start helping him again. He is getting in trouble.

Hon. B. Stephenson: Oh, I doubt that.

Mr. Lewis: You weren't told.

Hon. J. A. Taylor: Again, Mr. Speaker, this is precisely the question that the Leader

of the Opposition asked the chairman of Hydro.

Mr. Deans: You don't know.

Mrs. Campbell: Why don't you get the chairman of Hydro in and ask him?

Hon. J. A. Taylor: He explained the process. As a matter of fact, he explained the history—

Mr. S. Smith: I asked that question of the chairman.

Hon. J. A. Taylor: —the commercial practice in terms of going from A, which the same company built, to B, which is precisely the same type of plant, and then on to D.

Mr. S. Smith: I know the answer to that.

Hon. J. A. Taylor: If the member is looking for publicity and high profile why doesn't he—

Mrs. Campbell: Don't you start.

Mr. Speaker: Order, please. This line of questioning is getting us nowhere.

Mr. S. Smith: That's for sure.

Mr. Deans: The line of answering is getting us nowhere.

#### OHIP OFFICE CLOSURE

Mr. Lewis: May I ask a question of the Minister of Health? In view of the quite remarkable response within the Windsor community of disappointment, frustration and anger to the precipitate closing of the OHIP office, will he reconsider his decision?

Hon. Mr. Timbrell: Mr. Speaker, it is not a total closing and, no, I'm afraid I will not reconsider.

Mr. Bounsall: Supplementary: How can he possibly, in the name of saving dollars, close down that Windsor OHIP office and shift the claims processing to London when in the year 1976-77 the Windsor office processed 40,000 claims per employee and the London office processed only 27,000 claims per employee, and particularly inasmuch as the field services for both Lambton and Kent were done out of the Windsor office in addition?

Mr. Peterson: Stop picking on London, right now.

Mr. Speaker: The question has been asked.

Hon. Mr. Timbrell: Mr. Speaker, perhaps I could set the record straight: In 1976-77 the Windsor office processed two million claims with a staff of 51. The London office processed 4,800,000 claims with a staff of 128. That does not work out to be a difference of 27,000 to 40,000. The Windsor





office has a slight edge but it is just that—a slight edge.

**Mr. Ruston:** It is more efficient.

**Hon. Mr. Timbrell:** Given the savings of \$500,000 that will accrue in the move to London, the staff in London will be able to handle the volume very well for that entire part of southwestern Ontario.

**Mr. B. Newman:** If the minister is going to use such an argument, why doesn't he close up other offices in the province, concentrate all of his facilities, all of his claims here in the Toronto area, and save a lot more money?

**Mr. Deans:** Don't suggest that. He will.

**Hon. Mr. Timbrell:** I will be pleased to make that suggestion from the official opposition as notice.

**Mr. Deans:** That wasn't very clever.

**Hon. Mr. Timbrell:** We don't think that it would work, though. As you know, we are trying to decentralize out of Toronto.

**Mr. S. Smith:** It's a logical extension of what you are doing in Windsor.

**Hon. Mr. Timbrell:** Consistency and inconsistency, from the member's point of view, depends upon what he wants to do with it.

**Mr. Speaker:** Just ignore the interjections and answer the supplementary.

**Hon. Mr. Timbrell:** I would be pleased to, Mr. Speaker. Thank you. We are going to move the head office of OHIP out of Toronto. This is not a centralization. It will still be decentralized away from Toronto but, for southwestern Ontario, effecting some savings. As I recall, during debates that were going on during the month of May leading up to the election on June 9, the points coming from the Liberal Party were that we should be looking at every aspect of government for possible economies. This we are doing and this is one of them.

**Mr. Cooke:** Mr. Speaker, now that the Minister of Health has closed Riverview hospital in Windsor and now the OHIP office, does he have any plans to close anything else down in Windsor?

**An hon. member:** What have you got against Windsor?

**Hon. B. Stephenson:** How about Windsor itself?

**Mr. Lewis:** Did you hear that? "How about Windsor itself," said the Minister of Labour while the Minister of Housing (Mr. Rhodes) nodded.

**Hon. Mr. Rhodes:** You have been broadcasting too long.

**Hon. Mr. Timbrell:** I have a suggestion that we close about four riding offices there.

**An hon. member:** Call Tory headquarters.

**An hon. member:** Don't tempt us.

Interjections.

**Hon. Mr. Timbrell:** I reiterate that it is not a total closing of the OHIP office. It will still be maintained for inquiries from the public and from practitioners. The background to the Riverview unit of the Windsor Western Hospital—and Riverview is not a hospital—is a matter we have discussed many times.

**Mr. Bounsall:** Has the minister any idea—

**An hon. member:** No, he hasn't.

**Mr. Bounsall:** I must wait until he finishes his reading, Mr. Speaker. Has the minister any idea of the number of claims that come from Windsor area residents for treatment in Detroit because of the specialized treatment and facilities in that city, claims which they personally bring in to that Windsor office for processing? It's a situation which does not arise in the London office and a situation that's very important to the delivery of the OHIP services and doctors' payments in the city of Windsor. Finally, is he aware—

**Mr. Speaker:** The question has been asked.

**Mr. Bounsall:** —that there is now, with the planned consolidation of his OHIP office space in London, a shortage of space for those employees already there, let alone those he plans to offer to shift from Windsor?

**Hon. Mr. Timbrell:** Mr. Speaker, just to answer the last point first: The indications from my staff in OHIP are that there is sufficient space and sufficient machinery and so forth in London to pick up the extra load.

As regards the first point—no, I am not aware of the volume but I am sure that of the two million claims processed by that office, I doubt if that kind of claim would account for more than a small fraction of one per cent. You certainly wouldn't use that as the basis of a decision not to go to London, and because of that not save \$500,000 a year. I understand there is a postal system in Windsor which also connects with London, and those claims can be mailed to London.

## PROPERTY TAXATION

**Mr. Lewis:** A question of the Treasurer: Do I take it the Treasurer noticed that the single largest component, I believe, of the announced increase today in the consumer price index was property taxes for the first time in a very long time? In the circumstances would the Treasurer reconsider altering his





present position on the Edmonton commitment, which he appeared to repudiate?

**Hon. Mr. McKeough:** Mr. Speaker, the answer to the second part of the question is no. The answer to the first part of the question is that I had noticed that. I don't quite understand, since these are Canadian figures, why property taxes come into the Statistics Canada figures at this point in time. Tax bills in Ontario generally had been known, and many of them would have been paid, much earlier in the year. Whether this increase is the influence of other parts of Canada or whether they bring them all in during this month, I simply don't know.

**Mr. Lewis:** By way of supplementary, surely the Treasurer recognizes that this is an accelerating problem in Ontario as the municipalities bear the burden of the provincial financing. And since it is now hitting the home owners so dramatically that it figures in the cost of living, is there not some way in which the Treasurer can cushion the burden by way of supplementary estimates or supplementary contributions to the municipalities?

**Hon. Mr. McKeough:** Mr. Speaker, I am delighted to find out that the leader of the third party recognizes that taxes are part of the cost of living—

**Mr. Lewis:** Oh, terrific!

**Mr. Warner:** The Treasurer is causing them to rise.

**Mr. Lewis:** They are now identified.

**Hon. Mr. McKeough:** —that whether they are personal income taxes, whether they are sales taxes, or whether they are property taxes, they are a part of the cost of living. That's a tremendous leap forward on his part.

**Mr. Lewis:** Thanks so much. By way of supplementary, has it occurred to the Treasurer that if he had saved some of the money he squandered on Haldimand-Norfolk, Edwardsburgh and Minaki, he would be able to give the municipalities of Ontario what he originally committed himself to?

**Hon. Mr. McKeough:** Mr. Speaker, when I go to bed at night, I sometimes worry about some of the things that the member has mentioned—

**Mr. Sargent:** I'll bet you do.

**Mr. Warner:** You should.

**Hon. Mr. McKeough:** —but inevitably I get down on my knees and thank God that the people of Ontario haven't listened to all his hare-brained schemes.

**Mr. Lewis:** I am glad the Treasurer gets down on his knees to someone—anyone.

**Mr. Speaker:** Order. A supplementary by the Leader of the Opposition.

**Mr. Lewis:** Let the Treasurer name one.

**Hon. Mr. McKeough:** Nationalizing Inco.

**Mr. Lewis:** Oh, don't be so silly. You've destroyed the province of Ontario and now we're paying for it.

**Mr. Foulds:** The Tories nationalized Minaki Lodge.

**Mr. Martel:** Look at Hydro.

**Mr. S. Smith:** By way of supplementary, does the Treasurer not accept that by putting the burden of growth on to the property tax—

**Mr. Speaker:** Will the member for Sudbury East and the member for Port Arthur just try to restrain themselves?

**Mr. Lewis:** Have you seen what the member for Sudbury East is wearing?

**Mr. Speaker:** He looks like a chairman of the board; I wish he would act like one.

**Mr. Lewis:** He is a Deans supporter, Mr. Speaker.

**Mr. Foulds:** And he is going to Winston's tonight.

**Mr. S. Smith:** Does the Treasurer not accept that municipal finance at this time in Ontario is in serious difficulty, and that by putting the burden of additional expenditures largely on to property tax, we are actually getting to the point where we are beginning to interfere with some of the fundamental social aims of the province—some that I know he shares; such as home ownership and allowing some of the elderly people to stay in their own homes.

Would the Treasurer not undertake to give a commitment that means something, rather than the Edmonton commitment, to the municipalities of Ontario so that he can put some firm lid on the property tax increases and give them a share of other revenues in a way that they can count on from year to year and so that we don't lose track of some of the fundamental social policies which I suspect that even he in his heart shares with the rest of us on this side?

[2:30]

**Hon. Mr. McKeough:** Mr. Speaker, I don't accept the premise on which the question was asked and if the member would consult with any number of tables, he would find that property taxes as a percentage of household disposable income in this province have been dropping rather dramatically over the last 10 years, and that the facts as the member would have us believe them are simply not so.

**Mr. Cassidy:** They were, but they're going up now.

**Hon. Mr. Rhodes:** Not the percentage.





## BAR ADMISSION COURSE

**Mrs. Campbell:** My question is addressed to the Attorney General. Having in mind that the chief law officer of this province is concerned about the intellectual quality of legal education, has the Attorney General read the report in the *Globe and Mail* of this morning? Has he any comment on the awful scene at the bar admission course? What does he propose to do about it?

**Hon. Mr. McMurtry:** I'm sorry, Mr. Speaker; I have no knowledge of the article to which the hon. member has referred.

**Hon. Mr. McKeough:** Haven't you read the *Globe* this morning?

**Mrs. Campbell:** Then, Mr. Speaker, I would invite the Attorney General, who I think is probably the only one who hasn't read it, to read it and perhaps comment as to whether or not he would like to see intellectual excellence rather than a sexist bias on behalf of the instructors in the bar admission course.

**Hon. Mr. McMurtry:** Without reading the article, I can agree to that, Mr. Speaker.

**Mrs. Campbell:** The Attorney General agrees there shouldn't be hockey violence. What does he agree should be done about this kind of sexist education? What is he going to do about it? Or does he care?

**Hon. W. Newman:** They would take you off the ice.

**Mr. Warner:** Supplementary: I wonder, while the Attorney General is taking this serious matter under consideration, if he would give us a report on the admission course, the kinds of instructors that are there, the types of textbooks that are being used. I wonder if he has some comments on the particular textbooks that are being used, that were called by the paper "sexist oriented." Perhaps he could tell us what he intends to do after having investigated those textbooks and the instructors who are used at the course.

**Hon. Mr. McMurtry:** I have not agreed to investigate, as the member for Scarborough-Ellesmere states, the bar admission course. If he has any specific concerns in relation to textbooks that he really feels should concern the Attorney General of this province, then I'll be happy if he brings them to my attention.

## DAY CARE

**Mr. Breaugh:** I'd like to ask a question of the Minister of Community and Social Services. There have been a number of reports in the media lately concerning day care pro-

vided in private home situations with, in some instances, rather large numbers of children in a private apartment. Is the ministry aware of that and is the minister considering any steps that might regulate that?

**Hon. Mr. Norton:** The present legislation already provides for the regulation of day-care services where more than four unrelated children are present on the premises.

It has been brought to my attention through the media that there have been reports of incidents where apparently there has been service provided in breach of the legislation. I have instructed members of my staff to investigate. In fact, in one case they have been in contact with the person from whom the story originated, but were unable to get substantiating information. That does not mean the matter has been placed to rest. We have laid charges against persons operating an illegal day-nursery and that matter is now proceeding.

Especially if these operations exist in a setting such as an apartment building, it's sometimes difficult to detect that. But wherever we hear any indication of it, we follow up on it immediately.

**Ms. Gigantes:** Supplementary: I would like to ask a question of the Minister of Community and Social Services. I know he wouldn't agree to this last week, Mr. Speaker, but I wonder if he would agree this week, that as long as he is going to restrain the growth in a necessary service like day care he is going to have bootleg operations.

**Hon. Mr. Norton:** I wouldn't necessarily agree with that, even this week. I would point out to the hon. member that within the province of Ontario at the present time, and I think our ratio is probably better than elsewhere in the country, we provide day-care service—

**Ms. Gigantes:** On what grounds do you say that?

**Mr. Warner:** Ridiculous.

**Hon. Mr. Norton:** —to about 15 per cent of the children of working parents. But the bulk of the service provided in day care, care for children in this province, is provided by the parents making private arrangements with friends, neighbours or family.

**Ms. Gigantes:** Totally inadequate.

**Hon. Mr. Norton:** You may think that it is inadequate. I happen to believe there is still room for parents to make certain decisions with respect to the care of their children.

**Hon. B. Stephenson:** It is not inadequate. I used it for years and it is not.





Mr. McClellan: Spoken like a true bachelor.

Hon. Mr. Norton: I would think it presumptuous of me as the minister in this portfolio to assume that I could make the kind of rash statements that the hon. member has made, that children whose parents may be working are necessarily at risk. I disagree with that. I think parents in most cases are quite competent to make decisions with respect to the care of their children.

Mr. Foulds: Why not give them an option?

Hon. Mr. Norton: I would point out that in many instances there is a choice available.

Hon. Mr. Rhodes: You take care of your own kids.

Hon. Mr. Norton: Although we are not in a position to provide publicly supported day care services for all of the children of working parents, I would go so far as to say I don't even think that is a desirable objective. Our first priority is to help those people who are in need.

Ms. Gigantes: Two hundred and fifteen spaces this year.

Hon. Mr. Norton: Look at the total number available in the province.

#### HARTT COMMISSION

Mr. Hennessy: I would like to ask the Minister of Natural Resources about a statement that was made yesterday by Mr. Justice Patrick Hartt. He said he intends to move the inquiry down to the southern part of Ontario; it was a northern inquiry as far as I am concerned. The statement made was that there is more political influence in the south, and that the south should take care of the problems that exist in the north. This I disagree with very strongly, being a member from the north.

I would like to know why Mr. Hartt is moving his inquiry down to the southern part of Ontario when the whole inquiry concerns the northern part of Ontario. I don't think any inquiries from the south are moved up to the north.

Mr. Speaker: The question has been asked.

Hon. F. S. Miller: Let me assure the member that Mr. Justice Patrick Hartt is not taking any direction from me, nor should he.

Mr. Roy: You are not going to call him up?

Hon. F. S. Miller: I can only say that if, in his wisdom, he feels he needs to talk to people in southern Ontario who may wish

to express opinions about the north, he is certainly free to do so.

Mr. Foulds: Supplementary: Can the minister tell us how the royal commission is being funded, as we found out last night it was not being funded through the Attorney General's department?

Hon. F. S. Miller: I think I need to have somebody in the legal department of government, or the Chairman of Management Board answer that question rather than me.

Mr. Sargent: Only \$2 million? Let it go.

Mr. Foulds: Can I redirect the question?

Mr. Speaker: If there is a minister prepared to answer.

Mr. Foulds: The Chairman of Management Board?

Hon. Mr. Auld: The question that was asked a moment ago?

Mr. Lewis: Who pays for the Hartt commission?

Mr. Foulds: Yes, funding for the Hartt commission.

Hon. Mr. Auld: The amount will be shown in the estimates of the Ministry of the Environment.

#### CORRECTIONAL OFFICERS

Mr. Reed: Mr. Speaker, to the Minister of Correctional Services: This is a three-part question. Is the minister employing female guards in all-male prisons, and is he employing male guards in all-female prisons? If the answer to either is yes would he not consider that some of the duties these guards are asked to perform are not an infringement of the personal privacy of the inmates?

Mr. Roy: It is tailor-made for you, Frank.

Hon. Mr. Drea: Mr. Speaker, firstly, I am very proud of the fact that we have more than 125 female correctional officers dealing in what I think would reasonably be regarded as all-male institutions, and doing a remarkable job. We have a unisex ministry.

Secondly, for many years, ever since the opening of the Vanier Institute for Women, there have been male staff there. There is a difference between what generally would be regarded as an all-male and an all-female institution—

Mr. Roy: You are right again, Frank.

Hon. Mr. Drea: —in that a female correctional officer can work three shifts in an all-male institution, whereas a male officer is not allowed to work the third shift, or the sleeping shift, in a female institution.

An hon. member: That's sexist.





Hon. Mr. Drea: To the second part of the question, Mr. Speaker, the only comment I would make is that the same deterrent that the hon. member is trying to put in front of female correctional officers in male institutions applied when Florence Nightingale tried to bring nursing into the twentieth century.

Mr. Lewis: You are not doing too badly, fellow. Not badly at all.

Mr. Reed: Supplementary, Mr. Speaker: While appreciating the minister's quest for equality, first of all does he not recognize that the differences in functions in male and female prisons are an obvious recognition of discrimination? Would he not consider that some of the functions that these female officers are asked to perform are not an infringement of the personal privacy of the inmates?

Mr. Foulds: Like what?

Hon. Mr. Drea: Such as?

Mr. Reed: Such as guarding them while they are performing their personal ablutions?

Hon. Mr. Drea: Mr. Speaker, obviously there is a difference between males and females.

Mr. Martel: Right on Frank, right on.

Mr. Philip: When did you find out, Frank?

Mr. Lewis: Thank God the school children are here.

Hon. Mr. Drea: Mr. Speaker, I regard females who are specifically trained for an occupation in the year 1977 to be professional people. I regard them in exactly the same capacity as I would female doctors. We don't preclude female doctors from administering to male patients. We do not preclude the vast majority of our nursing staff, which traditionally over the years are female, from ministering to male patients. As a matter of fact, most of the male patients are profoundly grateful that they are there.

Mr. S. Smith: Why don't males work the third shift? They are professionals.

Hon. Mr. Drea: Certainly in no way, shape or form am I going to turn back the clock and say that we are not going to employ females as on-line correctional officers. We are the only ones in Canada who do so. We are going to employ more. I will tell the House in terms of guarding the inmates' privacy, there are certain functions that are not performed by female guards, such as the original skin search when a person is admitted. But in terms of being on line—and they are on line, even on the

midnight shift in places as tough as Millbrook—there is no difference between the functions they perform and the professional manner they carry them out, and in what a psychiatric nurse in Penetang does.

Mr. Lewis: Well done.

Mr. Conway: There really is a future leader over there.

Mr. Lewis: Now, if the Attorney General handled the bar admission course question the way the Minister of Correctional Services handles institutions.

[2:45]

Mr. Davidson: Supplementary: Would the minister not agree that the present system as it is practised today is far more beneficial than detrimental to the system? And will he tell us when he plans to hire more female guards in order to look after the needs of the institutions that exist in the province—be they male or female?

Hon. Mr. Drea: Mr. Speaker, if I could just appeal to you for a moment, for about the fourth time, I would appreciate it if correctional officers were referred to here as correctional officers rather than guards, which is a very outdated title.

Two things have happened upon the introduction in the past year of female on-line correctional officers. The reason I say "on-line" is that I want to differentiate between the female correctional officer and the female person who is watching over a female inmate. The first thing that happened was that the language has improved enormously inside. Two, the personal hygiene among males has improved enormously with the introduction of female correctional officers. Three, in general the rowdiness in the cell corridors has diminished remarkably.

As a matter of fact if you want to go back in history in this province, Mr. Speaker, they have had the same impact upon the jail system as the integration of the beverage room—they cleaned up the act.

Mr. Foulds: Let's not carry that parallel too far.

Mr. Roy: How would you know that, Frank?

Mr. Reed: Being an expert on both.

Hon. Mr. Drea: I never drank beer.

Mr. Martel: Tonic water, Frank?

Hon. Mr. Drea: The hiring practices in a ministry are a matter of talent, a matter of experience, a matter of qualifications, and we have unisex hiring as we have unisex work performance.





Mr. Reed: With all of this equality that's now before us, why are male correctional officers not allowed to work the third shift?

Hon. Mr. Drea: Mr. Speaker, I believe it has been traditional. It probably came when the Vanier Institution was opened some years ago. The mere presence of males in a female institution was regarded as somewhat radical. I think falsely, but necessarily, there is a concern that during the third shift, at which time the inmates would be asleep, there might be some attempt at a violation of their personal integrity. I regard that as absolutely no threat, but the public and a great many people who are associated with female institutions do.

The present system at Vanier is no hardship. Most of the male officers are in administrative capacities anyway and they just simply don't work the third shift. The female staff who are in the preponderance there do work the third shift. I think it's something that has to be looked at in the future, but I personally see no harm in it. I think that males in that atmosphere can be just as professional as females when they are on the line between midnight and the dawn rising hour.

#### HOSPITAL CUTBACKS

Mr. Cassidy: Mr. Speaker, a question for the Minister of Health—is he not still there?

Mr. Roy: Sure he is.

Mr. Cassidy: He's hiding.

In view of the reports that are now circulating—

Mr. Roy: You're not going to make much of a leader if you can't see.

Mr. Breagh: You should know, Albert.

Mr. Cassidy: He's a retiring type.

In view of the reports which are now circulating in Brockville and in Kingston, is the government considering a closure of the Brockville Psychiatric Hospital? Is it also considering giving the OHIP headquarters to the Chairman of the Management Board's Housing rather than the Minister of Community and Social Services' when this headquarters is transferred to eastern Ontario?

Hon. Mr. Timbrell: Neither rumour is in any way founded in fact.

Hon. Mr. Norton: He knew that when he said it on the radio in Kingston.

Mr. Lewis: Until it happens.

Mr. Cassidy: Since 16 casual employees have been laid off in Brockville and since 27 more are being given on-call notice after January 7, can the minister say what is the fate of 200 further employees who it is said will be laid off at the end of the fiscal year?

Hon. Mr. Timbrell: I don't know by whom it is said, but I don't have any such plans. The member knows last week we did terminate the employment of a number of contract staff in five or six of the psychiatric hospitals. But I repeat, and I suspect the member knew this—it's certainly been made very clear by the local member for Leeds (Mr. Auld)—there are no plans to close the Brockville Psychiatric Hospital. The plans to move OHIP to Kingston are going ahead.

#### LANDLORD-TENANT DISPUTE

Mr. Gaunt: Mr. Speaker, I have a question of the Attorney General: Would he advise why his ministry, through the director of public prosecutions, overruled a decision of a local Crown attorney and laid a criminal charge against an individual for what is basically a civil dispute?

Mr. Roy: Good question.

Hon. Mr. Rhodes: Wait till you hear the answer. Here is a good answer.

Hon. Mr. McMurtry: I assume that the question relates to a matter that the hon. member spoke to me about recently. I requested that he forward me a copy of the summons so that I could identify the matter about which he was concerned. Today he has delivered me a copy of the summons and, Mr. Speaker, through you, I wish to assure him that I will attempt to obtain particulars of the matter about which he is concerned.

Mr. Roy: Could I ask a supplementary?

Hon. Mr. Rhodes: Sure.

Mr. Roy: Oh, does the hon. member for Huron-Bruce want to go first? I don't want to cut off my friend.

Mr. Speaker: That's awfully decent of the member for Ottawa East.

Mr. Foulds: That's why you didn't make it as a leader, Albert.

An hon. member: Alphonse and Gaston.

Mr. Gaunt: May I ask the Attorney General if he would consider that a landlord who cuts off the hydro and water because the rent isn't paid is deserving of a criminal charge?

Mr. Roy: Yes, as a matter of policy, let's have it.

Hon. Mr. McMurtry: I think I should be more acquainted with more of the facts before I respond to that question.

Mr. Breagh: That's never stopped you before.





## THUNDER BAY COURTHOUSE

**Mr. Foulds:** Mr. Speaker, a question of the Minister of Government Services: What steps is his ministry taking to rectify the disaster of a provincial courthouse that he got lumbered with in Thunder Bay which has, after three years, a leaking roof, an artesian stream running through the nine cell blocks in the basement, and three inches of water as a usual condition in that courthouse?

**Hon. B. Stephenson:** Good, a built-in swimming pool.

**Hon. Mr. Rhodes:** Is that fresh water?

**Mr. Roy:** Move it to Ottawa. It would be an improvement there.

**Hon. Mr. McCague:** Mr. Speaker, I believe that we are making improvements to the building and charging them against the lease.

**Mr. Deans:** What do you do about the stream?

**Hon. B. Stephenson:** Swim in it.

**Mr. Foulds:** Supplementary: Could the minister find out whether the building is salvageable, or whether it might not be better to terminate the lease—

**Hon. B. Stephenson:** You have no imagination. That is what is that matter with you.

**Mr. Foulds:** —with John H. McCornick and Group Building Systems Limited, inasmuch as the company has never lived up to the terms of the contract, and has never paid the subcontractors, and has delivered a shoddy piece of workmanship that is just not usable?

**Hon. Mr. McCague:** Yes.

**Mr. Foulds:** A final supplementary: Can we find out how much the ministry is currently paying per month?

**Hon. Mr. McCague:** Yes.

**Mr. Deans:** The inquiry is already on stream.

## NON-PROFIT HOUSING

**Mr. Roy:** I have a question of the Minister of Housing, having to do with the long-standing dispute between his ministry and the city of Ottawa over the city of Ottawa non-profit housing: Can the minister advise the House whether he intends in the very near future to bring this dispute to a conclusion and subsidize to some measure the city of Ottawa non-profit housing, which is this year, as the minister knows, facing a deficit of half a million dollars? If the minister will not subsidize it, does he realize that some of the rents for some of these tenants, mostly senior citizens, are increasing to the tune of between 100, 150 and 170 per cent and, in

fact, some of these people will be paying 30 per cent of their revenue for rent?

**Hon. Mr. Rhodes:** Mr. Speaker, I have already communicated with the mayor of Ottawa. We've had ongoing discussions and an exchange of correspondence concerning this matter. I think, as the hon. member is aware, the particular problem is shared with Central Mortgage and Housing Corporation and we have discussed with it how we could go about being of extra assistance to the non-profit housing units in Ottawa.

I have communicated with the mayor of Ottawa as to what the formula would be. That has been agreed to by Central Mortgage and Housing Corporation in order to be of assistance. Quite frankly, I was under the impression that what we had submitted was acceptable and that it would be worked out to handle most of the problem that the member has just mentioned.

**Mr. Roy:** I have a supplementary. In view of the fact that this matter, at least according to the city of Ottawa, has been a long-standing dispute with his ministry over three, four or five years, when does the minister plan to make an announcement that there has been a solution?

Secondly, how much money are we talking about? What solution has the minister proposed to help subsidize this deficit faced by the city of Ottawa?

**Hon. Mr. Rhodes:** Mr. Speaker, I don't believe that I should discuss the contents of the proposal I have made to the mayor until such time as he has responded and has accepted that as a solution to his problem.

I think the hon. member is well aware that the situation we're facing in Ottawa is one where, quite frankly—and I'm not attempting to be difficult about this at all—part of that problem, if not all of it, has been created by the inability of the management of the units in Ottawa to keep up with the times.

What we are trying to do now is to make sure that these units do not become totally subsidized as public housing but that the tenants in them will receive the assistance they need according to their incomes. I believe it was at the recommendation of the city of Ottawa—I'm sorry; not the city of Ottawa, but the housing management company—

**Mr. Roy:** The city of Ottawa non-profit housing authority.

**Hon. Mr. Rhodes:** I wanted to draw the distinction between city council as opposed to this group. They themselves were looking very seriously at increasing the percentage





of income in those units to 30 per cent. When the mayor responds to the proposal we've made and, I emphasize again, it has been agreed to by Central Mortgage and Housing Corporation, we'll get on with the arrangements and make the announcement.

Mr. Roy: Could I ask one final supplementary?

Mr. Speaker: The final supplementary.

Mr. Roy: Would the minister undertake to press this matter with the mayor and with Central Mortgage and Housing Corporation since some of these tenants are facing this increase as of January 1, 1978?

Hon. Mr. Rhodes: The hon. member is quite correct. I'm aware of that and I think that since this matter has come to my attention—and I'm not aware that it's gone on for four or five years—

Mr. Roy: It has.

Hon. Mr. Rhodes: —but since it's come to my attention, I think we've made considerable progress. Understandably the mayor of Ottawa, quite properly on behalf of his community, grabbed for the whole ring. I must say to you, sir, with all respect to the mayor, he didn't get the whole ring. But I think we've worked out something that is satisfactory and will be settled, I hope, well before that deadline.

Mr. Cassidy: Supplementary?

Mr. Speaker: No, that's enough supplementaries.

### TOW TRUCK LICENSING

Mr. Philip: I have a question of the Minister of Transportation and Communications. Is the minister aware that the licensing and legislation committee of Metro Toronto council is meeting today to deal with the proposal to license tow trucks? If so, would the minister care to make known his initiatives at the provincial level in this area?

Hon. Mr. Snow: Mr. Speaker, I wasn't aware of that particular meeting of the Metropolitan Toronto Licensing Commission to consider the licensing of tow trucks within Metropolitan Toronto. I would have to say that is a position I would support and I'm very pleased to hear they are taking this initiative. I hope they follow through with it because I've given serious consideration to the possible provincial licensing of tow trucks.

The needs vary so greatly within the province of Ontario that it is my opinion, and I believe the opinion of the government, that the licensing of tow trucks should be carried out at the municipal level where it is deemed by that municipality to be necessary.

Mr. Philip: By way of a supplementary, is the minister aware that the two associations of tow truck operators, namely the Automobile Trades Association and the new Association of Independent Tow Truck Operators, favour provincial rather than municipal licensing? In the light of the possible Metro initiatives, would the minister care to tell us which of the seven recommendations regarding tow truck licensing found in chapter six of the report of the select committee on the highway transportation of goods, he is prepared to implement, and when?

[3:00]

Hon. Mr. Snow: Mr. Speaker, with regard to the select committee on transportation of goods, there are some 300 recommendations—or some very large number of recommendations. Since we received the committee report, the ministry has been actively reviewing and preparing information with regard to the implementation of many of the recommendations in that particular report. I will be bringing forward amendments, changes and implementation procedures for many of those recommendations in due course, but I am not prepared to say at this moment exactly what our response is going to be to those seven specific recommendations.

Mr. Cunningham: Supplementary: Would the minister not agree, given that the tow trucks in question leave the various regions and travel quite freely throughout the province, that it would be more appropriate to consider provincial control rather than municipal control in this matter?

Hon. Mr. Snow: No, that is not my opinion certainly at this time. I realize there is some degree of long-distance tow truck service, but I hesitate to suggest that tow trucks should be licensed by the Highway Transport Board and that there should be the necessary proven public need and necessity. In most cases a tow truck gives a local service. In larger municipalities, I think the tow truck industry should be regulated municipally as are taxis and there should be some minimum licensing requirements in the licensing, but not just a case of licensing for the sake of licensing. I have asked my ministry to do some work on preparing a sample bylaw that would be available to municipalities as a guide if they wish to regulate tow trucks in their municipality.

Mr. Philip: In coming to these conclusions, has the minister met with the two trade associations involved and has he sought their opinions beforehand?

Hon. Mr. Snow: I have certainly met with one of the associations the hon. member





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mentions. At that meeting, I found those in attendance were very much not necessarily of the same opinion. I believe there is some difference of opinion in the industry.

### RECOVERY OF HYDRO MONEY

**Mr. Sargent:** I have a question of the Minister of Energy. Is the minister aware of a very concerted effort on the part of Hydro to recover a large sum of money, in the area of \$240 million, from the Ministry of Government Services?

**Mr. Worton:** It's not much if you say it quickly.

**Hon. J. A. Taylor:** No.

**Mr. Sargent:** Could I ask a supplementary then to the Treasurer? Is he aware of the fact that there is \$240 million between Government Services and Hydro and that there is a very concerted effort to recover this money? Is the Government borrowing money from Hydro?

**Hon. Mr. McKeough:** No.

**Mr. Sargent:** As the Treasurer, the minister then says he doesn't know about a \$240 million advance from Hydro to Government Services?

**Hon. Mr. McKeough:** No.

**Mr. Sargent:** Supplementary to the Minister of Government Services: Is he aware that his ministry owes Hydro \$240 million?

**Mr. Makarchuk:** Try the Minister of Correctional Services. He'll give you an answer.

**Hon. Mr. McCague:** Mr. Speaker, could I have the member repeat the question, please?

**Mr. Sargent:** Is the minister aware of Hydro's effort to recover \$240 million from his ministry?

**Hon. Mr. McCague:** No.

### HOSPITAL CUTBACKS

**Mr. Deans:** I have a question of the Minister of Health. Can the Minister of Health produce the analysis and the studies which his ministry must obviously have done into the efficiency and the patient-staff ratio and also the staff functions at the Hamilton Psychiatric Hospital, which brought the ministry to the conclusion that it could afford to have a drastically reduced number of staff available in order to meet the needs of the patient population, both now and in the future?

**Hon. Mr. Timbrell:** Mr. Speaker, as I hope the hon. member knows, the reductions which were recently announced in the psychiatric hospitals are all in the contract area, and basically all in services.

**Mr. Deans:** It doesn't matter.

**Hon. Mr. Timbrell:** The direction that was given to staff in reviewing the program was that direct patient care was not to be affected and this is certainly the case.

**Mr. Deans:** A supplementary question: How can the minister claim that when, in the case of the Hamilton Psychiatric Hospital at least, there will be two doctors who will not be continued on staff or on a consultancy basis and—

**Mr. Speaker:** The oral question period has expired.

**Mr. Deans:** Oh, has it? Well that does pose a problem. Can the minister produce the analysis and the studies that brought him to the realization that he could do without these people?

**Hon. Mr. Timbrell:** As the hon. member knows, the estimates of my ministry are presently before the social development committee. If he would like to appear there, I would be glad to discuss it with him and involve the staff who are doing the analysis for me.

**Mr. Speaker:** The time for oral questions has expired.

Before we get to the orders, I think the hon. House leader would like to make an announcement.

### VISITORS

**Hon. Mr. Welch:** Mr. Speaker, I thought I might take advantage of the attendance at the moment to draw the House's attention to the visit on Thursday afternoon to the Legislature of His Excellency Giulio Andreotti, President of the Council of Ministers of the Italian Republic.

The President will be here and a guest in the Speaker's gallery at about 3 p.m. Thursday, following which the Premier (Mr. Davis) is having a reception for the President in the Lieutenant Governor's music room to which all members of the Legislature will be invited, in order to meet with the President.

I thought that since the House will not be in session tomorrow, we should draw attention to the fact that His Excellency will be here at about 3 p.m., near the end of the question period. I hope most members of the House will be here to greet him.

**Mr. Nixon:** I would also want to draw to your attention, sir, that an old friend of ours is in the gallery this afternoon, the former member for Sault Ste. Marie and Attorney General, Arthur Wishart. I often think how desperately he tried to keep Green Stamps from Ontario, and as soon as he left we had





Wintario which is now paying us \$80 million a year.

### OHIP OFFICE CLOSURE

Mr. Bounsall: Mr. Speaker, I wish to give notice under section 27(g) of the standing orders that I am not satisfied with the response of the Minister of Health (Mr. Timbrell) to my questions asked today and intend to raise the subject matter on the adjournment of the House tonight.

Mr. Cooke: Mr. Speaker, I would also like to give notice under standing order 27(g) that I am dissatisfied with the answer the Minister of Health gave to my supplementary question, and I would like to discuss it this evening.

### REPORTS

#### STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Gaunt from the standing general government committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Revenue be granted to Her Majesty for the fiscal year during March 31, 1978:

#### Ministry of Revenue:

Ministry administration program .....	\$ 4,974,000
Administration of taxes program .....	23,736,000
Guaranteed income and tax credit program .....	121,152,000
Municipal assessment program .....	51,712,000

#### STANDING SOCIAL DEVELOPMENT COMMITTEE

Mr. Villeneuve from the standing social development committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Community and Social Services be granted to Her Majesty for the fiscal year ending March 31, 1978:

Ministry of Community and Social Services:	
Ministry administration program .....	\$ 14,517,000
Social resources program .....	853,278,000
Developmental resources program .....	209,403,000

And that supply in the following supplementary amount and to defray the expenses of the Ministry of Community and Social Services be granted to Her Majesty for the fiscal year ending March 31, 1978:

#### Ministry of Community and Social Services:

Children's services program ..... \$3,665,500

Also, that there be granted to Her Majesty, for the services of the fiscal year ending March 31, 1978, the following sums:

#### Ministry of the Attorney General:

Vote	Item	
1306	4 .....	\$2,722,000

#### Ministry of Correctional Services:

1501	1 .....	\$ 115,100
1501	2 .....	243,800
1501	3 .....	67,300
1501	4 .....	134,300
1501	5 .....	165,700
1501	6 .....	50,900
1501	7 .....	345,900
1501	8 .....	35,500
1502	1 .....	26,600
1503	1 .....	699,600
1503	2 .....	33,734,400

#### Ministry of Health:

3101	1 .....	\$ 33,000
3101	2 .....	43,500
3101	3 .....	45,800
3101	4 .....	14,000
3101	8 .....	25,000
3101	10 .....	237,900
3102	2 .....	52,803,400
3102	3 .....	7,869,700
3102	6 .....	1,000,000
3103	2 .....	13,500

#### STANDING PROCEDURAL AFFAIRS COMMITTEE

Mr. Breaugh from the standing procedural affairs committee presented the committee's report which was read as follows and adopted:

Your committee has carefully examined the following application for a private Act and finds the notices, as published, sufficient:

City of Chatham.

Mr. Breaugh also presented the committee's resolution which was read as follows and adopted:

That since the present session has been so brief, it has not afforded the House sufficient opportunity to assess provisional standing orders. The committee therefore recommends that the experimental period be extended for another whole session.

On motion by Mr. Breaugh the debate was adjourned.





**MOTION**

Hon. Mr. Welch moved that on the standing social development committee Mr. Van Horne be substituted for Mrs. Campbell.

Motion agreed to.

**INTRODUCTION OF BILLS****FARM PRODUCTS MARKETING  
AMENDMENT ACT**

Hon. W. Newman moved first reading of Bill 102, An Act to amend the Farm Products Marketing Act.

Motion agreed to.

Hon. W. Newman: The purpose and intent of this bill, of course, is to make amendments to the Farm Products Marketing Act as a result of certain problems that arose out of recent court decisions that were handed down.

**MILK AMENDMENT ACT**

Hon. W. Newman moved first reading of Bill 103, An Act to amend the Milk Act.

Motion agreed to.

Hon. W. Newman: Mr. Speaker, the reason for introducing this bill is exactly the same reason for introducing the Farm Products Marketing Amendment Act.

**PUBLIC HOSPITALS  
AMENDMENT ACT**

Mr. Williams moved first reading of Bill 104, An Act to amend the Public Hospitals Act.

Motion agreed to.

Mr. Williams: Mr. Speaker, the bill establishes several requirements relating to the composition of the boards of public hospitals. The bill further provides that the number of appointed directors who have a vote shall not exceed one quarter of the elected directors.

In addition, the bill establishes certain criteria for membership in a hospital corporation and guarantees a member's right to vote in the hospital corporation.

[3:15]

**ONTARIO COMMISSION ON WASTE  
MANAGEMENT AND RESOURCE  
RECOVERY SYSTEMS ACT**

Mr. Cunningham moved first reading of Bill 105, An Act to establish the Ontario Commission on Waste Management and Resource Recovery Systems.

Motion agreed to.

Mr. Cunningham: Mr. Speaker, the bill establishes the Ontario Commission on Waste Management and Resource Recovery Systems to have the authority in matters concerning disposal, reclamation and recycling of waste materials and to provide aid to local governments that desire to develop waste disposal systems on their own.

**CITY OF CHATHAM ACT**

Mr. Bradley, on behalf of Mr. McGuigan, moved first reading of Bill Pr30, An Act respecting the City of Chatham.

-Motion agreed to.

**ORDERS OF THE DAY****TOWNSHIP OF TAY ACT**

Mr. G. E. Smith moved second reading of Bill Pr1, An Act respecting the Township of Tay.

Motion agreed to.

Third reading also agreed to on motion.

**CIRCLE R BOYS RANCH ACT**

Mr. G. E. Smith, on behalf of Mr. G. Taylor, moved second reading of Bill Pr19, An Act respecting Circle R Boys Ranch.

Motion agreed to.

Third reading also agreed to on motion.

**FULLER-AUSTIN OF  
CANADA LIMITED ACT**

Mr. Maeck, on behalf of Mr. McCaffrey, moved second reading of Bill Pr21, An Act respecting Fuller-Austin of Canada Limited.

Motion agreed to.

Third reading also agreed to on motion.

**BOROUGH OF ETOBICOKE ACT**

Mr. Maeck, on behalf of Mr. Leluk, moved second reading of Bill Pr22, An Act respecting the Borough of Etobicoke.

Motion agreed to.

Third reading also agreed to on motion.

**MATOL HOLDINGS LIMITED ACT**

Mr. Maeck, on behalf of Mr. McCaffrey, moved second reading of Bill Pr23, An Act respecting Matol Holdings Limited.

Motion agreed to.

Third reading also agreed to on motion.





### NIAGARA INSTITUTE FOR INTERNATIONAL STUDIES ACT

Mr. Ruston, on behalf of Mr. Kerrio, moved second reading of Bill Pr24, An Act respecting Niagara Institute for International Studies.

Motion agreed to.

Third reading also agreed to on motion.

### GARNET HOLDINGS LIMITED ACT

Mr. Maeck, on behalf of Mr. Johnson, moved second reading of Bill Pr31, An Act respecting Garnet Holdings Limited.

Motion agreed to.

Third reading also agreed to on motion.

### STANLEY STARR LIMITED ACT

Mr. Cureatz moved second reading of Bill Pr32, An Act respecting Stanley Starr Limited.

Motion agreed to.

Third reading also agreed to on motion.

### KEDNA ENTERPRISES LIMITED ACT

Mr. Mackenzie moved second reading of Bill Pr33, An Act respecting Kedna Enterprises Limited.

Motion agreed to.

Third reading also agreed to on motion.

### INCOME TAX DISCOUNTERS ACT

Hon. Mr. Grossman moved second reading of Bill 99, An Act to regulate the Discounting of Income Tax Refunds.

Mr. Nixon: There's been considerable concern for the last five years that a number of these discounters in Ontario have been charging inordinately high rates of interest and frankly I am very glad indeed the minister has decided to take action to bring these under control.

I suppose it might have been at least a consideration that the practice simply be outlawed. But the provision of this bill requiring the discounter to pay 95 per cent of the value of the income tax rebate to the applicant means there would be an interest rate of five per cent on the amount, which certainly is not inordinate. I would also think it would effectively drive the discounters out of that business, which is something I believe is to be desired.

I suppose there are some individuals who might not find it convenient or even possible to get loans on the basis of an expected income tax rebate from normal sources. But

it's difficult really to think of the circumstances where, if they had a receipt or a statement based on their income tax return indicating a payment was coming, they could not get a loan based on that from some legitimate source. So for that reason we intend to support the bill.

Mr. Davison: I intend to deal with second reading of Bill 99 at some greater length than my colleague from Brant-Oxford-Norfolk, although I also rise on behalf of my party to say we will support the bill.

Bill 99 represents very badly needed legislation to protect consumers in Ontario. If I didn't know better I'd wonder why someone hadn't thought of introducing this bill before. Knowing better though, I must say I'm very impressed, if not with the current minister's position, and if not with the details and specifics of the bill itself, then by the very speed with which the bill has been brought before the House: first reading last Tuesday; second reading; committee; probably third reading today.

It took the current minister's predecessor several months to say, "No, it's impossible." It's taken this minister only a week to bring the bill into the House and probably get it through. It now appears that what was last winter and last spring impossible, unconstitutional—what have you—was in fact merely inconvenient for the government at the time. For our friends opposite, politics remains the art of the minimum. Not until they're pressed into the corner will we get legislation to protect consumers.

I first had this matter brought to my attention last February when a number of constituents came to my constituency office to complain about these practices. After looking into the matter, talking to people from municipal, federal and provincial levels, I was rather surprised to find out there wasn't any legislation. I think perhaps it would be a useful exercise if members of the House understood exactly what these rather sophisticated loan sharks are doing.

It's not a very nice activity they're involved in. These businesses take an individual's income tax information and then provide a hasty and at times, inaccurate, estimate of what the client's rebate will be. The client may then sell the full return for a portion of the refund. That portion is usually received in immediate cash, although there are cases where that isn't true. Power of attorney is then signed over to the service and the individual never sees the actual amount reimbursed by the government. Any error, unintentional or otherwise, could add





a substantial windfall profit to the discounter without the knowledge of the client.

There's no standard fee taken by these firms. It most often, though, is in excess of 40 per cent of the refund, depending on the amount of money involved and depending on the degree of risk as determined by the service. If we would choose to look at those fees as interest rates, compounded annually, then it's quite possible to conclude some of these fees amount to interest rates as high as 2,000 per cent. Indeed, the government should be congratulated for moving to stop this practice.

When I brought the matter to the current minister's predecessor's attention in February 1977 I pointed all of this out. I also pointed out to him that the people most vulnerable to these services are those in such dire financial straits that immediate cash is necessary. I felt what these businesses were doing was an inexcusable exploitation of a rather desperate and economically desperate segment of our community.

The minister replied to me that month, saying he was aware of the problem and, wholly unsolicited by me, then launched into some rather bizarre comments about Quebec and about the whole question of federal-provincial jurisdictions. The response of the minister does not form part of the record of this House, Mr. Speaker. I would like, with your indulgence, to make it a part of the record of this House. I think it reflects the real attitude of this government and should be on the record. I'm quoting from a letter dated February 21, 1977, over the signature of the former minister, the member for Carleton (Mr. Handleman):

"You may not be aware that the whole field of interest is exclusively a federal jurisdiction. It is in fact so exclusively federal that not even the province of Quebec challenges the clear jurisdiction of the federal government to regulate interest rates. Because of that situation, the provinces have for the past two years been urging the federal government to enact legislation to control this kind of abuse as well as loan sharking and government cheque discounting.

[3:30]

"In response to the province's urging and as a result of their own research, the federal government has introduced the Borrowers' and Depositors' Protection Act which is currently being studied by a parliamentary committee in Ottawa. The measures contained in that Act may very well completely curtail the

activities of these companies which concern you and us.

"We did try, about a year ago, to claim jurisdiction but we were told in no uncertain terms by our legal advisers that we could not because of our limited jurisdictional capacity.

"We have examined the transactions in terms of the Business Practices Act and have concluded that we have no authority under that legislation to proceed against these companies."

He goes on, at some length, to consider the possibility of actions being taken under that most famous of Acts, that modern Act, the Unconscionable Transactions Act. If hon. members will recall, this was his initial solution to the problem of rent control.

I don't intend to raise it further, but I might make a footnote with the current minister that while he's on this current crusade, he might also consider the question of those people who discount government cheques. I think perhaps the minister can make a note of that and perhaps next week introduce legislation that we can pass the week after, to prevent that kind of practice.

I was not totally satisfied with the minister's response at that time but, in all good faith, I accepted it. It wasn't until I did some further research in the matter that I found out that several provinces in Canada had enacted legislation to prevent this same kind of abuse. I wrote back to the minister in March a very strongly-worded letter in which I wanted to know from him exactly why he had put that forward in such a fashion to me. I just couldn't believe that it had been a deliberate attempt on his part, or his staff's part, to mislead me. I wondered about the competence of some of his senior staff in not keeping themselves abreast of what was happening across the country.

The minister penned another of his odd responses to me, this one on April 5, in which he pointed out that he was deeply disturbed. At the time I agreed with him. However, he then was able to find another argument why the provincial government shouldn't move into this field, and that was again by going back to the Borrowers' and Depositors' Protection Act. At this time, I was pressing him very strongly because I was concerned that we get legislation in Ontario before the April 30 deadline so we could have stopped the needless suffering that went on during the last tax period. The minister replied to me and I quote from his April 5 letter:

"We are all aware that there is now far too much legislative and administrative overlap between the two senior levels of govern-





ment. Federal-provincial roles must be re-examined and rationalized. The case of the discounters is as clearcut a starting point as we will find. We have asked for, and the federal government is enacting, a law that will deal with them. It flies in the face of all reason for the province to take concurrent, constitutionally questionable, prohibitory action just as the federal legislation is coming into place."

As the minister knows, as I know and as many members of the House know, you can very well wait a long time for legislation of any kind to come from the federal government so that it wasn't a very reasonable argument at that time.

I raised the question of the constitutionality on other occasions with the minister. On March 31 I raised it in the House along with my colleague from Scarborough West (Mr. Lewis) and my colleague from Riverdale (Mr. Renwick). Again, the minister insisted that it was totally unconstitutional, that his staff assured him it was totally unconstitutional.

I hope that the minister will allay our fears by telling us in the debate today that he's talked with the Attorney General, or he's got another opinion from his staff or an outside legal opinion. Because we wouldn't, of course, want to do anything that was unconstitutional.

There are a couple of aspects that aren't really dealt with in this bill that I would like to draw to the minister's attention. One is that the experience in Manitoba has shown us that bringing forth this kind of legislation should force about 80 per cent of the discounters out of business, leaving around 20 per cent. However, it's quite conceivable that in Ontario, as has happened in other provinces, we will force them all out of business.

These discounters, shady and shoddy as they may be, do in fact provide a service that some people demand, some people require. I think it's incumbent upon us, as legislators in Ontario, to understand that. While what I am about to suggest doesn't require legislation, I hope the minister will pay some attention to it. I have talked to him privately about it before. What I suggest is the possibility of Ontario following the example of the Hon. Saul Miller, the former minister in charge of this matter in Manitoba, when he established, within his ministry and within the regional offices of the ministry, an individual who was identified as being available for counselling in this matter and who could sit down with a person in need—in desperate need of this money immediately—and recommend an approach

whereby that person could, with the government, go to the credit unions of Manitoba and apply for a loan.

While we are also on the figure of five per cent; five per cent is, of course, in fact 20 per cent when you consider that the average length of time for a return is three months. At 20 per cent these discounters will be making considerably more than a credit union or a bank, or God forbid even Avco and other finance companies. So I think there would be room in Ontario for the ministry to actively encourage a counselling system that would put the needy person in contact, through the auspices of the ministry, with a credit union or another financial institution from which—I beg your pardon?

Hon. Mr. Grossman: Five per cent isn't the interest rate.

Mr. Davison: Okay, I will explain it again for the benefit of my colleague.

Hon. Mr. Grossman: It is a discount, it isn't an interest rate.

Mr. Davison: Five per cent is to be considered as five per cent of the refund. If the company only lends you that money over the average period, which is three months, you then have to multiply by four to find the interest rate. It's the principle of short-term borrowing, so in most cases you can consider the five per cent fee to be a 20 per cent interest rate.

I hope the minister will take that suggestion seriously and do something to be of assistance to those in our province who aren't in as good a financial position as the minister or I or his fellow members may be in.

Another matter I would like to raise with the minister, to which the bill doesn't address itself but for which there is certainly a need, is the question of the way in which these companies operate in terms of business practices. I think there are some areas that perhaps don't properly belong in this Bill 99 that have to be looked at.

One that has concerned me is the question of the power of attorney agreements the discounters extract from their victims. I have before me a copy of an agreement with Shield Tax Services Limited, which is another name for Instant Tax Services, and it's on the prescribed government form for power of attorney. The particular constituent who brought this to my attention was, I admit, not the most sophisticated of people. He told me, after he saw a copy of it, it was a different agreement to the one he signed. There was in fact no date on the agreement.





Be that as it may, if the date was put on by the company later or if the date was on when the person signed it, the point of concern is that this individual signed the agreement on February 28, 1977. We would assume that under normal circumstances the information would go off to the tax department and National Revenue and that within three months or so the refund would appear and everything would be settled.

There was really no need for the power of attorney to extend from February to past June or July. This document I have—and if the minister is interested I could give him a copy as long as he would keep the name confidential—had a date of December 31, 1978. The spectre that raises is that having once signed that, not really understanding it and not being fully aware of what it meant, you may never see your income tax again for another two years. I hope the minister will take that into consideration.

There are a number of other points I want to raise. Specifically I want to talk about the provisions in the bill found in sections 4 and 11. Although I will deal with them at some length, I think perhaps it would be most appropriate if I dealt with them during the committee stage.

Let me say in conclusion it is very nice to see this bill because I know if we pass it we will at least in some way give the consumers of Ontario the kind of protection they need. It just would have been a great deal nicer if we could have seen this bill several months ago.

## HERITAGE LANGUAGE PROGRAM

Mr. Deputy Speaker: Before recognizing another member on this particular legislation, I want to inform the members that, pursuant to standing order 28, the members for Downsview (Mr. di Santo) and Oakwood (Mr. Grande) have filed the required notice of their dissatisfaction with the answers to questions posed to the Minister of Education (Mr. Wells) on November 10 concerning the heritage language program. The member for Downsview will be called at 10:30 and the member for Oakwood will be called at 10:40. Further to this, the member for Windsor-Sandwich (Mr. Bounsall) will debate his question with the Minister of Health (Mr. Timbrell).

## INCOME TAX DISCOUNTERS ACT

(continued)

Mr. Blundy: I have read over this bill and I am prepared to speak in support of it.

I would like to mention a rather interesting happening. On November 8 I was going to ask the Minister of Consumer and Commercial Relations what he was going to do about this injustice that was happening in the province of Ontario. On that very day the minister stood up and said he was going to introduce legislation to correct these injustices. At that time, obviously the minister and I were thinking along the same lines as far as this particular matter is concerned.

I want to say that I think the situation should have been corrected some time ago. I know it is a custom that has been going on for some time in the province, particularly in the Metro Toronto area, I am informed. Even though it is a little late, it is good legislation, I believe. Many of the people who have used the services of one of these discounting firms are people who are most in need of protection in the province of Ontario. This bill is going to provide them that protection, at least to some extent.

Most people who have an income tax refund coming to them and receive notice of it can go through the conventional borrowing institutions and get money if they wish. Many of the people who perhaps are not as aware of this or who are not as prepared to go to the conventional lending institutions have gone to these discounters and have been really ripped off as far as interest rates and service charges are concerned.

So I believe the bill is going to correct this situation and I will support the bill in all three readings.

Ms. Bryden: I also welcome this legislation but wonder why it took so long. I think I can see three reasons for the delay which is typical of the kind of activity we get in the consumer protection field from this government.

The first reason for the delay was an attempt at the usual Tory response of buck-passing to Ottawa—"Let's see what they'll do"—even though people continue to be ripped off during the period while the long negotiations go on, rather than putting a stop to it and later on seeing if negotiations could bring in a federal Act on this problem.

The second event that appeared to push the legislation along was the explosion of activity this year in the field of instant tax refunds. A great many of the operators in the western provinces moved east when the western provinces put a stop to their exploiting activities. So in Ontario we had, I understand according to some newspaper stories, about 40 of these instant tax offices open. There were an estimated 62 across the country and last year the Department of





National Revenue estimated \$8 million of refunds were cycled through the instant tax offices and about 50 per cent of this was sheer profit.

So that when you get a situation as glaring as that, the government appears to listen a bit more to the requests for some regulation of this particular abuse.

The third thing that happened was we had a change of minister and I think there must be some significance to that, perhaps, because the previous one—

Mr. Grande: Slightly, slightly.

Ms. Bryden: —was convinced such legislation was unconstitutional, even though none of the Acts in the other provinces have been challenged.

Mr. Foulds: He is just a short, thin Sidney Handleman, that's all.

Ms. Bryden: It seems to me if you always retreat behind the constitutional argument you seldom get any action. But anyway, after these three events occurred, we finally have got some legislation. I welcome it at this late date.

I don't think there's any doubt about the need. There have been stories in the paper of the kind of people who apply for such refunds. Generally, they are people who either have difficulty obtaining credit or are uninformed of other places where they could get credit. They are often in very dire financial circumstances, are desperate for instant cash and so are very vulnerable to this kind of exploitation. For that reason they need protection and they need protection fast, because last year, according to a survey done by the Toronto Star, there was an average of 300 per cent charged on these refunds. The Star reporter went to six shops. He had a \$500 refund coming to him; they offered him figures varying from \$250 to \$350, but the average was about \$300, which was 60 per cent of the refund coming to him. But that is just an average. Certainly across Canada there have been instances where a much higher percentage was taken.

There is no doubt of the need for protection for the rather vulnerable group that needs instant cash and tends to go to these kind of loan sharks who are posing as tax-return preparers.

As was stated by my colleague, the member for Hamilton Centre, we do need more counselling services from the Ministry of Consumer and Commercial Relations to let people know about alternative credit sources. We also need more community banks of the kind that the Royal Bank is operating in the east end of Toronto. There is one community

bank there that is attempting to provide credit for people of modest income. We need more of that kind of credit service and that kind of information available to people.

Generally we need a regulation of the whole tax-return preparing service industry. I notice the minister in his bill is attempting to plug a possible loophole which these services might resort to; that is, instead of taking a large discount on the refund, they will put in a large fee on the service. He says no "unreasonable charge" may be made by the service. The bill is rather indefinite as to what is a reasonable or unreasonable charge, and I find the legislation a little murky in this field.

I would like the minister to clarify what happens if a person thinks there is an unreasonable charge. For instance, can he complain to the minister? Or does he have to institute a prosecution and the judge will decide whether the charge is unreasonable? Also, if he complains to the minister, can the minister order a reduction in the charge and a refund to the taxpayer? Or does that have to be done through a court order, with a judge making the order for a refund of the amount charged?

I notice that section 10(2) allows a judge to order a refund of any amount owing to the taxpayer, but it is not clear whether that is just the amount of the refund that comes in after the event when the refund was more than was anticipated, or whether that would also allow a judge to order payment of what he considered the unreasonable part of the charge.

Another area that is a little murky is the question of how the taxpayer collects the excess when the refund is larger than was anticipated. The legislation provides that excess, of course, must go to the taxpayer, but it is not clear whether the taxpayer has to go through small claims court to get it. In many instances it could involve fairly small amounts and probably would not be worth going through small claims court.

I wonder if the minister should not consider licensing tax return services so that in the event they do not pay these small amounts to the taxpayer, their licence could be cancelled or suspended until such payments are made.

The same licensing could also be used to enforce the question of what is reasonable and unreasonable if that is to be decided at the discretion of the minister.

Those are two areas that I would like the minister to clarify and possibly to consider whether the Act should be amended to make them clearer.





Those are the only points I wanted to raise. I only add that I hope this piece of legislation is not a single swallow that makes a spring but that we will see more consumer protection legislation of this sort.

**Mr. B. Newman:** I would like to make a few comments concerning Bill 99, An Act to regulate the Discounting of Income Tax Refunds. In my humble opinion, the bill's title is misleading because it does not solely cover income tax refunds. When we look under section 1, we see that in addition to income tax refunds, there are unemployment insurance refunds available, Canada Pension refunds, and refunds under any Act of Canada, Ontario or any other province. An individual may not realize that he has the opportunity of using this piece of legislation in an attempt to get refunds, whether it is solely income tax or not.

I would appreciate a reply from the minister to my comments concerning the title of the bill. I also think that in view of the fact that the services did mushroom in the previous year, as a result of limiting the amount that the individual could collect to five per cent of the overpayment, the numbers that may go into this type of a business will be extremely limited. I think that even though they may be limited, there are so many other areas of refunds that an individual could be entitled to that a good approach might be the licensing, as has been mentioned by the previous speaker, of the persons who are going to engage in this type of business.

There are other comments I could make, but many of them have been made by previous speakers. I would like to bring to the minister's attention that the constitutionality of this type of legislation was a great concern to his predecessor. One of the reasons why he refused to act was that he claimed we had no authority on the provincial level to act or to pass legislation.

The local newspaper was so concerned that they even editorialized; they would like to know who is actually correct. Is the minister correct? Or was his predecessor correct? They mention on—I think it's November 9, 1977: "Sidney Handleman, the Consumer Relations minister at that time, agreed that discounters' activities were"—and I am quoting—"almost a criminal offence, but rejected any steps to curb them on the grounds that any regulatory Act would have been completely unconstitutional."

So it is kind of strange now that the minister's predecessor thought it was unconstitutional and yet the minister maintains it is not unconstitutional. We certainly think and hope he is correct in his assumption, because we

would like to see this legislation passed and become effective quite quickly.

**Mr. Grande:** I rise to support this legislation and, as many other speakers prior to my standing up have said, certainly it is long overdue. It has been, as a matter of fact, for two or three years. The Minister of Consumer and Commercial Relations has had ample evidence in his hands sent by me and many other members of this Legislature saying to him: You need legislation to curb these fly-by-night type of outfits that really take unsuspecting people and make them pay a tremendous amount of interest for a service that will perhaps only cost, at the highest, about \$5.

I really don't understand why ministers of the Crown, when they have all this evidence at their disposal, keep on stalling, and do nothing in terms of alleviating the problem. I want to say to the minister that perhaps the reason why he finally did bring in this legislation is because, well, he fumbled the coffee prices. Clearly the minister says in his own words, on radio, on television, all over the place, that he's the minister who is going to come down like a ton of bricks to protect the consumers. In terms of coffee prices, the bricks have fallen and certainly have crumbled.

[4:00]

**Mr. Warner:** A ton of feathers.

**Mr. Grande:** Let me say to the minister through you, Mr. Speaker, that I'm willing to put one little tiny piece of Humpty Dumpty together again, in terms of this legislation. If he will continue to bring in legislation which addresses itself to a need that has been evident for years, then I will certainly do my part to glue another piece of Humpty Dumpty.

**Hon. Mr. Grossman:** You're a good guy.

**Mr. Grande:** I want to read some communications between myself and the previous Minister of Consumer and Commercial Relations regarding this particular problem. The first communication was on May 7, 1976.

Some of my constituents approached me and said, "We're paying a tremendous amount of money to get our income tax filled out and they're asking us for 30, 40 and 50 per cent on our returns." At that time I sent a very nice letter to the Minister of Consumer and Commercial Relations and I said, in essence, "This has been brought to my attention; look into it; investigate it"—it was a particular company on Yonge Street, Instantax, I think it was. I said, "Investigate it." As a matter of fact, I ended very nicely by saying, "I would





appreciate it if your ministry could look into this matter at your convenience."

Certainly, he did—at his convenience. He did answer the letter though, perhaps rather quickly, on March 31. I want to read that letter in totality because the different reasons why the minister stalled in this particular legislation are certainly outlined in that letter.

It says: "The ministry is aware of this and similar operations. Officials visited the 592 Yonge Street location prior to its opening and have been observing it since that time. Although certain aspects of the company's activities are morally distasteful, investigators have found no evidence that any legislation has been contravened."

"The organization previously operated in Vancouver where it was studied by the British Columbia department of consumer services and ministry officials have been in contact with our BC counterparts as an aid to our investigation. As you may be aware, federal and provincial authorities are currently discussing a new bill tentatively called the borrowers' protection Act. Our experience with companies such as Instantax will provide additional input with regard to controls on lending."

"I trust this sheds some light on the situation. If I can be of any further assistance please do not hesitate to call on me."

I did call on him again because the letter he wrote was totally unacceptable to me. If a minister of the Crown tells me that certain activities are morally distasteful and is not willing to bring in any kind of legislation to rectify that situation then I say to that minister, "What on earth are you doing in the government?"

This letter did get me a little angered, so I wrote back to the minister saying: "Your answer has raised many questions in my mind". This letter was written June 15. "You say that your ministry officials have visited the outfit and have been making observations since prior to its opening. I wonder, Mr. Minister, if you could provide me with a report of the observations your officials have made?" By the way, I never received any report of that. "You say in your letter that you find certain aspects of a company's activities morally distasteful, but no legislation is being contravened. Then clearly this situation calls for some type of new legislation to stop this legal loan sharking."

I continued with explaining my constituent's problem, and said "to his credit my constituent did not make use of the services of Instantax. But how many people did make use of Instantax? How many people have been exploited by this fly-by-night outfit?"

I ended the letter by saying, "Mr. Minister, I urge you to look more seriously into the problem, do a thorough investigation and bring in legislation as soon as possible in order to prevent the exploitation of poor working people in this province by this and any other outfit that might crop up next year at income tax time."

Nothing took place other than the minister being interviewed by, I guess, the Toronto Star. The story read: "Sidney Handleman, Ontario Minister of Consumer and Commercial Relations, has been pressing the federal government to make such operations illegal." He was quoted as saying, "They'll give you 80 per cent of your refund," he said in an interview, "but if you figure it out, it comes to 500 or 600 per cent interest per annum." Now, he had all this information. He had all the information before him, but clearly he did not act.

Mr. Lewis: It takes the young Grossman to act.

Mr. Grande: Suddenly, the last letter—

Hon. Mr. Grossman: The older one might have too.

Mr. Lewis: Must be nice to be your father's son. I've never had that experience myself.

Hon. Mr. Grossman: How do you like it? It's better to start over here though.

Mr. Grande: The last communication I had with the minister was on June 28, when he said—and he injected his own opinion, I suppose, rather than that of his officials: "It must be borne in mind legislation cannot be introduced to control every aspect of human life." I never asked him to introduce legislation to control every aspect of human life, Mr. Speaker. All I was asking him to do was address himself to a real problem that exists, and the minister continued to refuse. Now comes the new Minister of Consumer and Commercial Relations—and I use the analogy of Humpty Dumpty who, once he had fallen, in order to set himself upright, introduces this kind of legislation and good for him. I hope, with the fears expressed on this side of the House that this legislation is legal, the minister has looked into it and he has assurances from the Attorney General the legislation is indeed legal.

Mr. Samis: Don't use him as a source.

Mr. Foulds: His record is not too good.

Mr. Deputy Speaker: The hon. member for Ottawa East.

Hon. Mr. Grossman: If he agrees with me, I'm in trouble.

Mr. Samis: That's right.





**Mr. Roy:** Thank you, Mr. Speaker. I rise to make a few comments about this Bill 99, in support of the bill and in support of my colleague, the member for Sarnia, who made certain comments. I was interested as well in the comments made by the member for Beaches-Woodbine.

I've got to tell you, Mr. Speaker, as I see all this legislation coming in at this level and at the federal level, both the federal ministry and this ministry in charge of the protection of the consumer, there is a prime example of sometimes how the constitution, the Confederation, of this country doesn't work, the conflicts that exist and the total and absolute confusion for the poor citizen down there who can't understand the difference in jurisdiction from one level to another.

First of all, the minister's predecessor was probably right on the constitutionality of this type of legislation.

**Hon. Mr. Grossman:** I am okay then.

**Mr. Roy:** And of course, for political reasons, a minister comes in and says, "I'm going to bring on new vim and vigour to the ministry. I'm going to bring something forward."

**Mr. Lewis:** Just trying to resuscitate the family name, that's all.

**Mr. Roy:** Yes. "We're going to bring something in and the way we're going to get around the constitutionality, because matters concerning interest are federal jurisdiction, we're not going to mention the word 'interest' in this bill and we're going to talk about"—as the minister does in this bill—"95 per cent of the amount without the word 'interest'." I may be wrong, but I don't see the word interest mentioned at all in this legislation.

**Hon. Mr. Grossman:** Clever, eh? Clever.

**Mr. Roy:** I see some of the minister's officials there smiling and shaking their heads in agreement.

It's unfortunate we have to bring forward legislation in this fashion because there's no doubt in my mind this type of legislation dealing with this subject matter, especially when the whole sphere of activity we're trying to control is basically within the income tax field, is in federal jurisdiction. There's no doubt in my mind the legislation, which is necessary, and I think all of us can agree on this, should have emanated from the federal level. I really don't think there is any doubt about that.

**Hon. Mr. Grossman:** As always.

**Mr. Roy:** It's unfortunate the initiative was not taken at the federal level because then

we would have a uniform law right across the country setting out and dealing directly and specifically with the problem instead of proceeding in the fashion we are. I don't want to be unduly critical of the people who were involved in the drafting of the legislation. They're trying to do their best basically in a bad situation. They're trying to draft a piece of legislation which will serve the purpose the minister has in mind without looking down the road and seeing their legislation challenged in the courts. That's basically what they're trying to do.

Often in the process we are coming forward with legislation which is more or less not acceptable. I shouldn't say not acceptable—confusing to the public. I suppose it can't be helped because, especially during the late 1960s and early 1970s, there was great competition on the part of various levels of government to move into the field. The municipal government was involved in this as well. In municipal elections promises were made to do certain things and municipalities brought forward bylaws. Then provincial government pressures were brought on, especially in the consumer field.

This ministry was created in 1967 and the federal ministry was created some time earlier. We have competing fields of jurisdiction moving in trying to solve a particular problem. Unfortunately, because of political pressures or because pressures are being felt more at one level than at the other, one level of jurisdiction moves in and sometimes or very often it's not the right level. We have confusion in that field. I have no reservations in saying it would have been a lot better if we'd had federal legislation right across the country dealing with the question of interest, which is the federal field and dealing with the question of income tax, which is basically the problem and which again is in the federal field.

I can only suggest that the new Minister of Consumer and Commercial Relations seems like a very adaptable individual. He's one who is very flexible.

**Mr. Samis:** And ambitious.

**Mr. Roy:** The new federal Minister of Consumer and Corporate Affairs, as they call it—heck, one has to be a lawyer just to be able to understand the right names in the ministries—Warren Allmand, should be a fellow with whom this minister can get along.

**Mr. Samis:** Let's see how long he lasts.

**Mr. Roy:** Get the act together to deal with the problem so that there are no conflicting jurisdictions. I can mention others. For instance, consumer protection legislation is





questionable as well. There is also the question of the Combines Act dealing with advertising and trying to control the professions to some degree.

Another problem is that the consumer field is relatively high profile. Unfortunately, what has happened—and I can say this again without reservation—is at the federal level many promises have been made about specific legislation which was supposed to come forward to deal with a particular problem. They've had such a switch of ministries at the federal level and at the provincial level as well. This minister is probably the fourth or fifth since 1967 in that ministry.

Hon. Mr. Grossman: Number eight.

Mr. Roy: He says he's number eight. One can see it's tough to get the act together, if during that same period of time at the federal level there were probably eight as well. It's very difficult to co-ordinate matters when we have changes in ministries. [4:15]

I can understand to some degree why the minister has to move in with this as other provinces have with their own legislation. I don't know of any cases where, in fact, their legislation has been challenged. I don't know if this legislation was patterned after that of any other province. For the consumer, and I am trying to speak here for the consumer, all levels of government should attempt to have something that is neat and cohesive, and represents their jurisdiction within their field. I hope in the future this will happen.

I understand the problems. I sit here in the opposition and I ask "Why don't you get your act together?" That's my job. I am here to point out these matters. I do so with a certain amount of frustration when I see competing fields of jurisdiction moving into one area and not moving into another area. The whole process is extremely confusing to the consumer.

Heck, if the members think it's confusing to the consumer, it's confusing even for the courts. It's confusing for the courts. The courts are saying they are overburdened with different cases and different pieces of legislation. I think some day the whole system will topple over. All those law books, all those statutes, all are going to fall on and hurt somebody. You know, the system is all going to come down. We are legislating ourselves into wild abandon. I just feel, unfortunately, it is because various levels of government are not prepared to accept their responsibility.

In the process of drafting this legislation, as has been pointed out by the member for Beaches-Woodbine, your section 4 is a section that leaves a lot to be desired. I say respectfully, and I don't want to be unduly critical again of the people who helped draft this legislation, it goes on to talk about what is an unreasonable charge. I would just like to ask the minister and possibly he could respond, how does one get any satisfaction if there has been an unreasonable charge? Is one charged under this section if their charge has been unreasonable? Is one charged under the section when he in fact charges more than 95 per cent? It is far from being clear how one proceeds.

I thought possibly the minister was going to correct this by way of regulation, but then again, let's not have too many regulations. That's the other field, Mr. Speaker, where we are being somewhat overburdened. Just all those big blue books we see in the province, all those regulations which we never hear about but which exist and which confuse the issue overburden us. I am not sure the minister can even go ahead with his regulations to say how one complains. Does he complain to the minister? Is that how he gets back what he considers to be an unreasonable charge?

I don't know whether it was open to the minister and whether his advisers told him maybe it might have been open for him to set out what a reasonable charge is. When you are talking about "consideration shall be given to the time spent" and "the complexity of the return" and all of this, I suppose we could have talked about a fee for service on the basis of hours, so much per hour. I don't know whether it was open to the minister.

What I am trying to say is if we are passing legislation we should attempt to try to make the role of the courts, or the people and the judge who is going to try to interpret this, as simple as possible. In other words we shouldn't try to hide our intention behind certain words or ideas which aren't all that clear. I say to you, section 4 is not clear, first of all, as to how you apply it and how the taxpayer under that section is able to get any remedy.

The other section which I find helpful is the fact that every discounter must give notice. I say, okay, it's important that you put up a notice but frankly, I hope with this type of legislation there won't be any discounters around to put up any notices. If any of them can operate under this section, he's going to back off once he reads section 10, subsection 4, where the minister shifts the





onus of proof. I could make a very emotional speech about the rights of the individual and the fact that under this section we are saying to a person, "It is going to be up to you to prove that you did not authorize, permit or acquiesce to this contravention." That is quite a heavy burden we are placing on an individual.

I don't have any particular sympathy for the people who are in that field. In fact, I can say with great satisfaction that because of the June 9 election I had the opportunity of moving one of these people out of his premises; I took it over for a headquarters, which is great.

Mr. Samis: Better than a body rub parlour in Vanier, Albert.

Mr. Foulds: They couldn't tell the difference, before and after.

Mr. Roy: That's right. Any time you want to be critical, just look at the percentages in Ottawa East. There was a change for the better in the riding of Ottawa East once their sign came down and mine went up.

Having made these few comments—and I do so with a certain amount of reservation about the process that I am observing—I think back to the comments of certain of our newly appointed chief judges in this province, who are saying to the Legislatures and to the federal Parliament and to the municipalities, "Please, you are sending enough legislation our way." Their job is tough enough, not in the sense that we don't have the right to do what we are doing, but somehow in this country if we could get all our acts together and have something that was more cohesive and within the respective field of jurisdiction, I think the person who would really benefit would be the consumer, who, in fact, we are trying to protect.

Mr. Samis: Mr. Speaker, I would like to make a few remarks on this bill. First of all, I must say I was interested and somewhat amused by the comments of my colleague from Ottawa East on the bill. He says we could place reliance on the federal authority for legislation of this sort. That is an authority, I think as we have just discussed, that has gone through umpteen consumer ministers—it's a cabinet post that has been relegated to the political limbo, I think, of Science and Technology, and is for recent shouts in the cabinet. It's a cabinet portfolio that can't even bring in a competition in this country. They have been trying for six years or so to bring in a competition, supposedly to regulate or at least control monopolies, cartels, and provide some degree of healthy competition in the economy. They

can't do it. So there is no sense placing any reliance on them, because they obviously can't come across.

Mr. Roy: I didn't place reliance on them; I said they should have done it.

Mr. Samis: I wouldn't look to them either, whether it is reliance or looking to them.

Secondly, I must say I don't share the ambivalence or the legalese concern, I would classify it as, that the minister has for intervening in this area of the marketplace. There are certain times when the minister must intervene to protect the consumer, period, because the inherent nature of the operation is unacceptable, and this is one. I wholeheartedly support the intervention, not with the idea of having total control over the marketplace, not with the idea of wanting to regulate or strangle every small entrepreneur, but to protect the rights of the consumer from unconscionable profits and exploitation.

I welcome the bill and I will support the bill wholeheartedly. I have mixed feelings about the timing of the bill. In my deeper, darker moments I would ascribe to the minister the anguish that he probably had to overcome from his coffee fiasco, the political credibility he had to restore brought this bill at a very opportune time for his ministry and, obviously, to suit his ambitions. Regardless of that, I am glad to support it and I hope this is an indication of things to come from the minister.

I recall reading his speech to the Better Business Bureau where I think he volunteered to summarize in one word his philosophy towards the ministry; he used the word "activist," which I would wholeheartedly welcome in contrast to his predecessor. Although I hope he doesn't conceive of activist as merely being a referee as he is described in a football game. I don't consider that to be very activist, but that's beyond the scope of this bill.

I welcome this bill because it represents such a drastic contrast to his predecessor who was an absolute laissez-faire Neanderthal when it came to the question of consumer rights. In fact, my colleague from Hamilton Centre gave me a copy of a letter that outlined some of the views of the former minister, and I will just read into the record one paragraph in reply to a query from my colleague.

He says, and I quote: "Despite the low volume of complaints, the unconscionably high discount and related 'tricks of the trade' are unacceptable to us." This sentence I would really emphasize: "In our view they ought to be prohibited and not merely





regulated, even though some other provinces are attempting the regulatory approach. We doubt that the regulatory legislation will be of any practical value in Ontario's metropolitan areas." That is obviously the political epitaph of one Sidney Handleman, and one that we can do without, and one that none of us lament on this side.

I want to pay particular praise to the member for Hamilton East for his efforts in raising this in the Legislature. I would think that if he didn't make a public issue of it and if he didn't help to build up public pressure and focus on the injustice and the exploitation in this field, that we may never have had this bill in the first place. So I want to put on record my degree of recognition for the work done by the member for Hamilton East on behalf of the consumers, not only of his riding, but of the whole province.

It's the member for Hamilton Centre, I'm sorry. It's such a large party now, we have trouble remembering.

Hon. Mr. Grossman: They can both send it out to their constituents.

Mr. Samis: My own personal attitude towards the actual business being affected by this legislation is that for a couple of years this was, I suspect, a problem essentially in the metropolitan areas of Toronto, Hamilton and some of the other larger cities.

But I noticed for example, in my own riding last year that we had the active burgeoining of one of these operations and I suspect if you went around Ontario to smaller, medium-sized, communities, these tax discounters have now wormed their way into virtually every community where they figure there is a profit.

My attitude is that these people are essentially exploiting the misery and weakness of some of our citizens and that frequently their profits are unconscionable. I hope when this bill is passed—and I would support speedy passage of the bill without any major delays—the consumers of Ontario will be informed of their rights.

I'll tell the minister one piece of legislation I thought was a fairly progressive piece of legislation by one of his many predecessors—the Business Practices Act, which did a lot to improve consumer affairs in this province. I dare say if you went outside this Legislature and stopped 100 people, Mr. Speaker, you would be lucky if you found two at the very most who had ever heard of it and one who even knew what his rights were under such legislation. And I would say that for this government, for this political party—that it is an extremely progressive

piece of legislation. But what good is it if nobody knows what their rights are in the first place?

This is obviously not an Act that affects nearly as many people, but I would hope that the minister would take some initiative to publicize, for anyone who wants to continue dealing with the remaining discounters, what their rights are as a result of this bill. Because we can pass all the bills and all the laws we want, but if people don't know and realize and understand what their rights are, they will frequently be exploited and taken advantage of regardless.

So the tougher the minister gets with these birds the better it will be for all of society, and I would fully support the principle of the bill and its speedy passage and implementation.

Hon. Mr. Grossman: I don't think it would be very useful for the House—although it may be instructive for some of you—if I engaged in a long dissertation explaining and defending my predecessor. However, I think the remarks of the last speaker, the member for Cornwall, make a good point in referring to the very progressive Business Practices Act we have in this province, which, he neglected to say, was brought in and passed by my predecessor, the member for Carleton. That speaks volumes, it seems to me, about his contribution in the field of consumerism in Ontario.

Mr. Samis: It was the then member for Niagara Falls. It was John Clement.

Mr. Foulds: John Clement. Come on, get your ministers straight, Larry.

Hon. Mr. Grossman: With regard to the particulars of the Act before us, I think we should look at the circumstances surrounding last year's discussion. Of course, the Legislature didn't sit for very long last year—sorry, this current year, but the last tax year.

Mr. Samis: I wonder why.

Hon. Mr. Grossman: I think we came back at the end of March and we sat for a week or two, didn't we?

Mr. Foulds: You're the government.

Hon. Mr. Grossman: This was the same period of time during which the letters were being exchanged between the members of the opposition and my predecessor. My predecessor was making some very good points at that time, points made by the member for Ottawa East this afternoon.

One of the differences, of course, is the fact that we have had some more time this year, since that exchange, to look at some different approaches which may alleviate or





eliminate the constitutional difficulties that were foreseen last year.

[4:30]

We have, we think, come up with something that we didn't have last spring, and that was a bill which we believe will stand up constitutionally. That is a major difference. This government doesn't believe in passing pieces of legislation which can be clearly and willy-nilly overthrown by the courts. Legislation of that sort is legislation which does nothing but clutter up the law books.

Now we have something we think will work. That is a big difference, and that opened the door for us to bring forward today's legislation. As well, much talk has gone on today about the Borrowers' and Depositors' Protection Act, the long promised Act by the federal government. I do want to say that it has become very clear, just in the middle of this year, what with the change in ministers and the obvious shift of that bill to the back burners at the federal level, that indeed we can't wait any longer, that indeed the Act isn't going to be coming forward. So when we find ourselves at the stage at which we have a bill we think will work and is constitutional, and where we see the federal government is still not moving into the field, the conclusion was arrived at that the government must bring in the legislation. I should point out it is substantially the same government as was in office last year, when a different conclusion was reached on the basis of the constitutional difficulties we faced at that time.

A lot of the points raised by some of the speakers today will more properly be dealt with in committee. I understand the member for Ottawa East and some others don't plan to be around later tonight for committee stage, so they wanted to deal with it clause by clause at this stage. However, I would like to make a couple of points.

The member for Hamilton Centre talks about the matter of discounting all other government cheques and why don't we move into that field. I would point out to him firstly that most of the other government cheques he is talking about are indeed immediately cashable. They are totally liquid. There is no reason to discount them. They can be taken to a bank and cashed for face value. You only run into this situation where you have a clearly defined, vested amount of money owed to you by government, and therefore it becomes a potential discount item. That isn't the case with most other government cheques.

Secondly, and in any event, section 1(c)(v) says that a refund means "the amount which an individual is entitled to receive as a grant or refund under an Act of Canada, Ontario,

or any other province." So even if there were a market for these other governmental cheques, we think they are covered by this Act.

He also raised the matter of counselling. Our ministry, he suggests, should be more available for counselling people throughout the province. We are always anxious to move into areas where we feel more consumer counselling is required. While I will have another run-through at the availability of the various services available, I think I should point out that there are very many counselling services now available. Firstly, through the referees in the small claims courts throughout the province. Secondly, through the federal bankruptcy offices throughout the country. Thirdly, through the credit counselling branch of the Ministry of Community and Social Services which liaises with municipal welfare offices to provide these services.

That seems to me to be a fairly wide range of credit counselling facilities. I suspect, in fairness, they may face some of the problems that my ministry faces and which I face in a lot of consumer areas—that is, getting people who may require counselling to be aware of the service and to come forward and ask for it and utilize it.

However, I think it is fair. I will have a look-through and satisfy myself with regard to the availability of those services and just see what we can do to increase consumer protection in that specific area.

I can't leave the comments of the member for Hamilton Centre without saying I would have hoped that last year, when he exchanged communications with my predecessor, he would have been a little more restrained in his remarks. He commented that he thought "either a deliberate attempt has been made to mislead the member for Hamilton Centre, or your staff is ignorant of what is happening in the other provinces to such an extent that it suggests an unbelievable lack of competence."

I think any intelligent analysis of the constitutional problems surrounding legislation in this area would leave one, even one who is not a lawyer, open to understand that there are substantial matters of constitutional disagreement on this subject.

Mr. Swart: We only got it now because of pressure by the member for Hamilton Centre.

Mr. Makarchuk. There has been no change in the constitution.

Mr. Davison: He wasn't aware.

Hon. Mr. Grossman: Look, I'll tell the hon. member opposite what has changed; we have





had some more time to work on it in more detail and come up with a bill that approaches it a little differently.

**Mr. Makarchuk:** Because you didn't work on it in the first place.

**Mr. Swart:** We should have had the bill nine months ago.

**Hon. Mr. Grossman:** Even today the hon. members have heard the member for Ottawa East, who I suppose is a lawyer of some repute—

**Mr. Samis:** And fallible too.

**Mr. Foulds:** Of what kind of repute?

**Hon. Mr. Grossman:** —and there are plenty of other lawyers who still take the view today that there are constitutional difficulties. I don't happen to agree with them. I clearly don't agree with them; I wouldn't bring this forward if I did agree with them. But the fact is that there is a substantial body of opinion that says it is unconstitutional.

**Mr. Davison:** The fact is that it is in place in five provinces and has never been challenged.

**Hon. Mr. Grossman:** The fact is that there is a legitimate and substantial disagreement on this subject in terms of its constitutionality.

**Mr. Makarchuk:** The fact is that you're hiding behind the constitutional skirt.

**Mr. Acting Speaker:** Order. Order, please.

**Hon. Mr. Grossman:** For any particular person to suggest that a conclusion reached by any lawyer, on one side or the other—and I'll tell my friends opposite that I have a fairly substantial brief in front of me from a firm of solicitors, arguing at quite some length that the bill, as I and my staff have drawn it, is still unconstitutional.

My point is that I don't think it would be any more proper for the member for Hamilton East or anyone else to call that firm of lawyers incompetent or ignorant than it is to say the same of any of the lawyers who have reached the same conclusions as my staff and I have at this time.

**Mr. Davison:** I simply referred to their lack of awareness of legislation in the other provinces.

**Hon. Mr. Grossman:** I think members of this assembly ought to show a little bit more respect for those who are doing their best to provide legal opinions for the government and for the people of this province than to suggest, when the members of this assembly disagree with the conclusions they have drawn on difficult constitutional matters, that they are ignorant or incompetent.

**Mr. Makarchuk:** Probably both.

**Mr. Foulds:** Lack of knowledge is not necessarily a slur.

**Hon. Mr. Grossman:** As to the question of power of attorney, which was raised by the member for Hamilton Centre. I want to say that if he knows of instances in which there was no date on the agreement and other matters were left out of the original documentation, then it may amount to a fraud; it may be a crime—and appropriate remedies are there—or in fact, if there is any defacing on the face of the document, anything that indicates that it is irregular, then indeed the bank which is being asked to cash the cheque pursuant to the power of attorney would not and should not be cashing that cheque pursuant to the power of attorney. Those instances, one at a time or individually, should be dealt with either through the criminal courts or by the people accepting those cheques.

One would think that that particular abuse, which is open not only in this area of course but everyone who has power of attorney, isn't really that wide. I might say that I certainly don't defend people who take it for a longer period of time as in the case cited by the member for Hamilton Centre—some 22 months—but the fact is that if the power of attorney refers to the specific refund coming at that time for the return filed in March 1977, then presumably the power of attorney would affect the refund coming for that particular year—

**Mr. Davison:** That is not the case.

**Hon. Mr. Grossman:** —because, in fact, the cheque would not come from the federal government for the following tax year, the one we are coming to, unless the person had gone back and signed a new direction to the income tax department to send the 1978 cheque back to the same tax discounter, at which time the tax discounter could use the same power of attorney.

My point is that they can sign it for as long as they want. It is only useful for the particular purpose outlined on the face of the power of attorney. If a cheque comes in to him that he can use in that fashion, if the member's constituent doesn't want to use the service again, even if we didn't succeed in getting this legislation into place, or if the tax discounter stays in business, then the constituent simply need not direct that the cheque go to that discounter, in which case the power of attorney will be useless in the hands of the discounter.

I should correct the record. In no way, as the House can tell, do I have any sympathy





for the tax discounters. The member for Beaches-Woodbine however suggests that 50 per cent of all the money coming out last year from the federal government was sheer profit. In fact, all the information we have is that the average discount was 40 per cent; therefore even if it all was clear profit the maximum would be 40 per cent. But I would hope that she'd get the figures in order so that there wouldn't be any misunderstanding about the extent of the problem and the lengths we're going to to correct it.

The member for Beaches-Woodbine also made some comments with regard to section 4, and I would invite her to pursue that with me in committee at a later time. That member and one or two other members referred us to the approach of licensing. That's an approach which, I have made quite clear, I shy away from—in this and other fields. Licensing brings with it a lot of government bureaucracy. In the end result we would have more people on the public payroll. I'm not sure it would be any more effective; in most cases I think it would be less effective.

Indeed the consumer would be out on the streets looking for people who had been licensed and therefore had some sort of apparent certificate from government to carry on business, which may give them more authenticity. The average person walking down the street, wondering whether he should take this step, would find the Minister of Consumer and Commercial Relations had indeed issued a licence to the tax discounter. That gives me severe problems and it is something I don't want to do, quite frankly.

Even if we have that sort of licensing legislation in place, sooner or later we would have to flesh that in by saying, "This is what you can do, you people who have registered with us pursuant to our new Act, and this is what you can't do." We're going to have to end up coming back here and setting out the types of rules and regulations we're setting out here today.

If the response we hear from the streets is any indication, the problem will be entirely resolved when this Act passes, in that they'll go out of business to a large extent. Those that stay in business will not constitute any sort of a public menace, in my opinion, thus obviating the need for any licensing or registration scheme.

The member for Ottawa East has raised a very legitimate point—that is, that various levels of government are moving into the same area and enacting certain pieces of legislation which sooner or later overlap. He was suggesting that perhaps there is potential for duplication—too many laws and so on. We

share that concern. That's a very real concern. I should mention to the members present that I will be discussing this very matter with the federal minister at some stage over the next few months. I think it's an important concern.

If the federal Act had been in place we wouldn't be bringing this one on. If the federal Act does show up sooner or later and is sufficiently tough, as ours is, then we would come back to this assembly and ask for the repeal of this legislation. I for one do not want to have legislation standing on the books in the name of my ministry which is not needed and is no longer exercised. I don't plan to have any legislation with reams of regulations, also referred to by the member for Ottawa East, which is not used or enforced. The House may have my assurance that I'll be pursuing some of those concerns outlined by the member for Ottawa East this afternoon.

Finally, I should refer the members to what I think is a key part of our Act. That is the fact that we have built into this legislation something that I will be looking at more and more as time goes on, and that is the right of the courts to order restitution in the event of a prosecution. I think that's very important. It's in section 10(2) and that sort of thing, it seems to me, is one of the keystones of good consumer legislation where practical. We'll be looking at all pieces of legislation in this way. We think that's a very important highlight of this piece and I would hope the members would especially agree with us on that section.

[4:45]

I appreciate some of the comments made by the members today in this debate. The Act does conform to my ministry's general desire to deal with consumer matters and shift a little bit to make sure our emphasis in consumer matters is taking in that area of consumers most in need of protection and yet often the least capable of acquiring legal assistance because of financial problems to solve their problems on their own. We hope to protect those who are less well off, those who are sometimes a little more desperate for money than one would expect. We are going to make sure our legislation, whether it deals with tax discounters or whether it deals with products, is pointed towards that particular group so that those people who can least afford to protect themselves and are least able to protect themselves are protected by this government.

Motion agreed to.





Ordered for committee of the whole House:

### MUNICIPAL ELECTIONS ACT

Mr. Ashe, on behalf of Hon. Mr. McKeough, moved second reading of Bill 98, An Act to revise the Municipal Elections Act, 1972.

Mr. Ashe: I'll be very brief in my remarks on Bill 98 at this stage. This bill embodies the further recommendations of the joint election committee of the Association of Municipalities of Ontario and the Association of Municipal Clerks and Treasurers of Ontario for amendments to municipal election procedures, as well as the recommendations of approximately 200 municipalities responding to Bill 49, the predecessor bill, over the summer and into the fall.

Many changes and new proposals have been incorporated in this new bill. The most significant is the change in the municipal election date to the second Monday in November with the December 1 commencement date for municipal councils. With the assistance of the joint election committee, we have been able to adapt the election process to the earlier date without any deleterious effect on essential procedures. We believe this time change is the earliest possible within the constraints posed by these procedures.

Two innovations in the bill include an amendment to dispose of the use of a poll book at municipal elections. A less time-consuming process has been devised which will be particularly beneficial where vote recorders or voting machines are being used. Secondly, the requirement that the preliminary lists be posted in each polling subdivision has been replaced by the provision that at least two copies of the complete preliminary list will be posted in conspicuous public places in the municipality.

A further amendment I'd like to mention deals with handicapped electors. The legislation has been amended to permit any handicapped elector to have a friend assist him in voting. Also the language of these sections has been modernized. Several other changes are procedural adjustments designed to complement the change in the election date.

The remaining changes depart from proposals in Bill 49 and return to the existing provisions in the Municipal Elections Act. The latter reflect strong municipal opinion favouring some of the existing procedures regarding such matters as the polling hours, advanced polls and recount procedures. As

we get into further clause-by-clause discussion, I'll be referring more specifically to those last few items.

I am confident that the bill now before the Legislature represents to the greatest possible extent the consensus on appropriate and workable municipal election procedures.

Mr. Epp: I rise to speak to Bill 98, formerly known as Bill 49, which is an Act to revise the Municipal Elections Act, 1972. The amendments proposed are significant because they help clear up problems evidenced for some years now, particularly in most recent years, with respect to municipal elections.

These are problems which municipalities encountered throughout the province of Ontario and for which they ask clarification. Maybe it's just as well in the case of Bill 98, the government did consult with municipalities, particularly the Association of Municipalities of Ontario and the Association of Municipal Clerks and Treasurers of Ontario which jointly presented briefs to the government with many recommendations, of which a number have been accepted.

We commend this change in posture considering the lack of consultation the province had with the Edmonton commitment; and the fact now, with Bill 98, they have had a considerable amount of consultation. We also commend the new direction the government is taking with respect to consulting with municipalities.

We know the government didn't honour the Edmonton commitment when it announced its transfer payments for 1978. This change is welcomed by this side of the House.

I'm optimistic the government will benefit, and indeed, everyone in Ontario will benefit by this new consultation procedure. Let me say my party will support this bill in principle. We believe it has merit. We believe it is a step in the right direction and we believe the government of today has tried to deal with some of the problems municipalities so well articulated and drew to the attention of the government, particularly to the members on the other side of the House.

I also want to express my thanks, at this time, to the members of the Association of Municipalities of Ontario and the Association of Municipal Clerks and Treasurers of Ontario. This group met jointly on numerous occasions and gave a number of the recommendations to the government. In addition to that, the parliamentary assistant has mentioned over 200 or so briefs were presented to the government, representations made from municipalities. I believe this input is going to





be reflected in the kind of bill that comes out after its debate in this House.

There are a number of other items to which I want to speak this time. We believe the election date should be moved ahead as has been indicated. We feel the government is moving in the right direction by having the second Monday in November as the election date.

Mr. Foulds: It's still not early enough.

Mr. Epp: Unfortunately, the technical aspects of preparing for the election date are such they can't move further ahead at this time. However, we welcome a change in the election date to an earlier date if this can be proved workable.

I think particularly now of 1974 when we had a snowstorm in Windsor and the election date was the first Monday in December. They had numerous problems which they had difficulty overcoming—

Mr. Foulds: My heart bleeds.

Mr. Epp: —and there was great consternation at that time with the inability of the municipal officials—

Mr. Foulds: We had a blizzard in Thunder Bay last Thursday.

Mr. Epp: —to deal with that kind of situation. I also welcome the emergency powers designed to be given to the clerks of the various municipalities so they can deal more adequately with and during an emergency situation.

There are a number of other items in this bill. I don't want to speak to all of them because we're going to have an opportunity to speak during the clause by clause discussion. However, I want to say of one of the amendments that is going to be introduced with respect to the three consecutive hours for voting, I believe this is a welcome change because in both the federal and provincial elections people have a chance to have time off from their jobs for at least three consecutive hours. I believe if we do encourage the people of this province to vote in municipal elections, then this should have also been included in this Act. I regret that it wasn't. My party will support that amendment when it comes forward.

Another item that's going to be discussed and at which we are going to be looking very closely, is voting hours. I know that a number of municipalities would like to see longer hours afforded to the voters. There are other municipalities that would like to keep the hours from 11 a.m. until 8 p.m. We will indicate our support for one of these measures later on in the debate.

We will support Bill 98 in principle. We will, however, introduce one amendment which we believe is essential for the sake of fairness and equality. We hope to get the support from both sides of the House on this amendment. I am, of course, alluding to sections 12 and 13 of the proposed bill. There are no other countries in the world that give preferential citizenship to certain immigrants when they come into the country. We believe this assembly should be consistent with that kind of outlook. As you know, the federal government has enacted certain changes in its legislation to accommodate Canadian citizenship as the only criterion for voting in a federal election. We believe this is the proper attitude to take.

That's all I want to say at this time except that we keep our options open on discussions of the various clauses when they are discussed in the committee of the whole.

Mr. Swart: We in this party think this bill is an extremely important bill, or it ought to be an important bill. It's a very major piece of legislation. We attach real significance to it. I don't share all the views of the member for Waterloo North in the consultation the government had relative to this bill. I will go into that a little more fully in a few minutes.

At this time I must say that although we consider this bill a very important piece of legislation it doesn't appear to be true of the Treasurer of this province. For over two years, he has never appeared in this House when a municipal bill was before this House. I suggest that if this bill doesn't warrant his appearance what municipal bill could?

Mr. Warner: Where is the Treasurer? Where is he hiding?

Mr. Swart: This is no reflection on the member for Durham West. I just think maybe it should be that if a Treasurer can't be bothered—

Mr. Warner: Just cowering in the corner.

Mr. Swart: —dealing with municipal matters, then perhaps the government should have a Minister of Municipal Affairs. Surely, Mr. Speaker, if there is any place that the Treasurer should be, the most important place where municipal matters can possibly be discussed is in this House. Yet he is never here.

This is a whole new Act with some 127 sections that we have before us. It takes up some 63 pages and it is the first major change in the Municipal Elections Act since 1972. In addition, the Treasurer had, or could have had, the assistance of a very





able municipal group, the Association of Municipalities of Ontario and the Association of Municipal Clerks and Treasurers of this province, which was re-established in June, 1976, really for the very purpose of this bill. He had, or could have had, excellent advice on it.

[5:00]

I say at the outset that this bill fails as a bill of real reform because of three things. Firstly, the Treasurer, because of his economic views, couldn't break with the outmoded policies and procedures of the past. He is firmly rooted in the past of 30 or 40 years ago; if he had not been, there could have been very substantial changes made in this bill.

Let me read into the record what the editor of *Municipal World* had to say a year ago on the subject of municipal election reform in this province. I think everyone in this House recognizes that Michael Smither, the editor of *Municipal World*, is at least as competent as any other person in this province on municipal matters. He said this:

"To understand the delay in reaching a solution to the procedural problems of a date change it is necessary to first recognize the existence of a historical philosophy developed in the earliest election procedures in this province and continued in the latest statute enacted in 1972. Simply stated it is a projection of the orderly manner of conducting life in an agrarian society with its sow, grow, reap methodology, which requires each step in a procedure to be fully completed before commencing with the next step.

"The second major obstacle"—I am still quoting from this article from *Municipal World*, September, 1976—"to be overcome is the apparent continuance in the new legislation of the village pump technique of communication, long since disregarded by the public generally, yet still adhered to lovingly by draftsmen of municipal legislation. However, if these sacred cows of municipal legislation are consigned to the Queen's Park legislative abattoir then an opportunity arises to approach the problem from a totally different perspective. The procedures can then be examined with the realization, first, each step in the procedural process does not necessarily have to be completed before the next one is commenced; and, secondly, by making full use of modern communication techniques steps of questionable value can be eliminated."

I suggest that in the amendments that we will be putting forth, we are endeavouring to assign those sacred cows to the Queen's Park abattoir. I say to you the minister still has his faith in those sacred cows.

I also want to say that the minister cannot break either with his deep-seated view that municipal government, and thus municipal elections, are not nearly as important as provincial or federal. He may pay lip service to the theory that municipalities are equal partners, but he has never, ever, shown in his actions that they are.

This shows up in a number of ways. For instance, today it has already been mentioned by the member for Waterloo North the minister has never bothered incorporating into legislation a clause which would require that a person voting in a municipal election should have time off. He proposes in this legislation, as has been the case in the past, that the hours for voting in a municipal election shall be shorter than in the provincial or federal elections. He has held them all these years at the time of the year you wouldn't normally hold provincial or federal elections. Of course, there is no election expenses Act or disclosure Act, as is the case both provincially and federally.

Certainly to him, municipalities and municipal elections rate second to those of the province and of the federal government.

The member for Waterloo North stated he's glad to see the change in posture and the consultation of the government with the municipalities. I suggest to him that if he examines the facts of the situation, including those leading up to Bill 98 and Bill 49 he would find any greater degree of consultation and faith with the municipalities is largely a myth.

In fact, the lack of consultation and the action of the Treasurer of this province was almost insulting in the procedures leading up to this bill.

I have a statement before me which was given by the Treasurer of Ontario on April 15, 1977. I won't read it all, but it says: "At the PMLC meeting on March 11, I indicated that cabinet would be considering a paper outlining some of the major issues concerning a rewriting of all or part of the Municipal Elections Act. Cabinet has now concluded its discussion and consideration on some of these major issues and I am now able to report to you cabinet's decisions on the following proposals: Election date—"

They intend to change it from the first Monday of December to the third Monday of November. They talk about the mandatory second advanced poll. The provisions with regard to when the newly elected councils take office, was to remain the same. One item after another pertaining to the forthcoming Municipal Elections Act had been determined.

The significance of this, Mr. Speaker, is this document was released on April 15, but





the report of AMO-AMCTO, the committee which was set up to study and make recommendations to the government, was not released until some time in July. Before that committee had a chance to finish its deliberations, the Minister of Treasury, Economics and Intergovernmental Affairs brought in a white paper to state what was going to be done with regard to municipal elections. I say that isn't exactly playing the game with the municipalities in this province.

Let me read what they said in that report pertaining to this. This is the report which is dated July 1977, "Final Municipal Elections Report," prepared by a joint AMO-AMCTO committee on municipal elections. I might point out there was no preliminary report to this one either which he could have based his decision on, although I will say, of course, there were members of TEIGA on that particular committee and therefore he had an idea of what was going on.

But this is what it said, and I'm quoting from this committee report: "Before the committee could present its recommendation, however, the Hon. W. D. McKeough announced the following proposal to the April 15, 1977, meeting of PMLC."

Then it gives a table with all of the dates for all of the procedures that are going to take place in the municipal elections for next year. Then right under that table—this I quote again from this report: "The joint committee feels it is unfortunate that the ministry did not wait as had been previously indicated for the recommendations of the committee before announcing the above time table." Shades, I say, of the breaking of the Edmonton commitment and breaking faith once again with the municipalities. I have here the document called "Background" for September 1977. Let me quote from that about the feeling of this committee. It says that Ellen Kerr, a chairman of this committee, which was investigating the Municipal Elections Act and was to make reports, "expressed disappointment about the proposed change in election date; that the announcement was made prior to the ministry receiving the committee's report and was disappointed, too, by the lack of consultation with regard to Bill 49."

She advised that AMO would be submitting a further report on the terms of office. Mrs. Kerr highlighted the major points of AMO-AMCTO report and noted that the committee had considered the following item, but had not made recommendations.

In case there is any doubt left in anybody's mind about this consultative process, let me quote once again from the response

of the joint AMO-AMCTO committee on municipal elections to Bill 49, an Act respecting Municipal Elections. This is dated August 1977 and contains this comment: "The committee is concerned, however, that the provincial government did not consult with the committee prior to the introduction of the bill."

That is a statement from the committee that was appointed to consider the Municipal Elections Act. You know why this was done? I am sure the members on this side of the House know why the Treasurer released his statement on April 15. It was because two weeks later they were going to announce an election and he wanted to show the people of this province, particularly municipal people, that he was going to do something in this field—at least, led them to believe so. He was willing to upstage the committee and bring in a report, subsequently a bill, without having the advice of the committee which was a major committee in this province to deal with the matter of municipal elections.

I say that is a shameful way to treat the municipalities and their organizations in this province. The facts are, of course, that that committee was composed largely of staff people in the municipalities. Once he had presented them with a fait accompli, their main objective then was somehow or other to make this work rather than openly explore other avenues and that is one of the reasons that we have an insufficient bill before this House today.

The improvements that appear in Bill 98 over Bill 49 were made only after the Treasurer was badgered by AMO and the PMLC; this is all on record. Bill 49 took a number of backward steps. They have moved back to the position where the clerk had to make the casting vote in case of a tie in an election. In 1972 they decided it was good policy and the municipal people agreed with him that it should be done by law, but they moved backwards in Bill 49. In Bill 49, they increased the lame duck period of council between election time and the time that they assumed office.

They had a provision there where the poll clerk had to be moved up to be the DRO, if for any reason the DRO could not act on election day. After badgering by the municipal associations, they changed some of these provisions in Bill 98 which we have before us.

[5:15]

The Treasurer even admits in one crucial area in his speech to AMO last August 23:





"Since the change in the municipal election date to the third Monday of November was announced, I've been getting two clear messages from individuals and municipalities alike. Either a change of two to three weeks is not enough, or there should be no change in the election date because it increases the lame duck period between election day and the time at which a newly elected council assumes office." If he hadn't proceeded without the advice of the AMO-AMCTO committee, he wouldn't have found himself in that kind of position.

We are going to support Bill 98 on second reading, firstly because it does make some small measure of improvement in some areas. But more important, because we want to get it to committee stage where we may hope to make some major reforms. I say here very sincerely, very frankly, it is our hope the government and the official opposition will give thoughtful consideration to our proposals.

We believe any new Municipal Elections Act should accomplish three things in principle. It should maximize the opportunity of everyone to vote. It should maximize the opportunity for persons to be candidates, to campaign, to have a quality of opportunity of election. And it should maximize the efficiency in elections; and the timing of the election and assumption of office should optimize the functioning of council. I doubt if anybody would disagree with those principles, but I ask all members of this House to consider the amendments that come before this House in light of those three principles:

For instance, if we want to maximize the opportunity to vote, we have it at a time of the year when the weather is reasonably good. It's easy to say people should go out and vote in the cold weather. They're not as apt to. Not quite as many will go out if the weather is bad than if it's good. Certainly in the middle of October the weather is much better than it is in the middle of November or in the first part of December.

We maximize the opportunity of getting people to vote if we make it easy for them to get on the voter's list. Again having hours and procedures on election day which accommodate the voters to the maximum degree maximizes the opportunity to vote. I believe the two-year term being continued, which we will support in the bill, again gives a greater accountability to the public and therefore is beneficial in the democratic system. Certainly we maximize the opportunity of people to vote if they have time off, by law, to exercise their franchise, and we will be proposing these kinds of things.

We maximize the opportunity for persons to be candidates and to campaign and to have equality of opportunity of election where we have nomination procedures which make it easy for them to become a candidate. It's why we oppose, and I think it's true perhaps of all parties in this House, the deposit system, where people have to put up \$100 or \$200 or whatever the case might be.

The time of year again affects the campaign and earlier in the year, in October, is a much better time to campaign than later.

I'm sure many people in this House have had some experience in campaigning in bad weather. You knock on the door. Somebody opens the door. It's cold there, it's just opened a crack and they make it very clear they don't want you to stand there letting in that cold, damp air. So it is much easier to campaign in the good weather.

The length of the campaign also has a bearing and we think the three weeks proposed by the government and carried on is a reasonable length of time. We also say with very real force there should be a limitation on expenses and there should be disclosure, if there's going to be any form of equality between candidates, even candidates with equal merit, if they are going to have some equal chance of being elected.

We suggest the maximum efficiency in elections, in the timing of elections and the acceptance of office, can be accomplished by the 45-day election period which is much better than the 63 to 70 days as proposed by the government.

Assuming office quickly after the election and well prior to the project planning and budgetary rush of January, February and March, will help toward the efficient operation of local government.

So, in all, we say our amendments will maximize opportunities to vote, for persons to be candidates, and maximize the efficiency of municipal operation as far as voting time and procedures can go in that area.

We therefore ask for very serious consideration of our proposals, particularly, and I say this to our friends on the right, because we've got a whole bill before us now, not just an amending bill, and we may not have this opportunity again for two or three or five or even 10 years. We should grasp the opportunity to make the major beneficial changes we can at the present time. By judiciously mixing the procedures of the old Municipal Act and the provincial Election Act we can make vast improvements over and above what we have in Bill 98 before us now.

I want to deal in general terms with some of the particular proposals which are neces-





sary to carry out the foregoing principles. I think everyone would agree the election date is central to reform. A close second is the early assumption of office. As was mentioned by the member for Waterloo North, this bill is probably before us because of the storm on election day and the day previous to election in December 1974. That provided the incentive for the government and for the municipal organizations to start examining election dates and other election procedures. I think I can rightly say there is as yet, no consensus as to what the election date should be but our examination, and it has been done in some depth, indicates, firstly, Thursday is the best day of the week; secondly, mid-October is the best time of the year; thirdly, council should assume office on November 1; and fourthly, the fiscal year should remain as it is, from January 1 to December 31.

Let me deal briefly with why we think Thursday is the best election day. First of all, it conforms to the provincial date of the election. I want to point out that there was a committee that sat in this House which made recommendations on the provincial Election Act and they picked Thursday. If you look at the reasons for picking Thursday, they are as valid for municipal elections as they are for provincial elections.

They said: "Days on the weekend are not advisable because many people go away and, more and more, Monday is also becoming part of a long weekend for too many people. Therefore, they should stay away from the weekends."

I won't go into all of the reasons but they recommended Thursday. By law now, provincial elections must be held on Thursday. Not just for the purposes of conformity but because of the sound reasons that determine that date for provincial elections, we think that municipal elections should also be held on a Thursday.

It gives working days for both election officials and candidates immediately prior to election date. At present you have two dead days, Saturday and Sunday, before Monday's election day. If a candidate wants to get in touch with the clerk or an election official, they can't do so. There are always things that come up and as a person who has participated in 16 municipal elections, or something of that nature, I can tell you that it always happens. On Thursday you have the opportunity of dates prior to that to iron out any problems, get any information that may be required for the efficient conduct of the election.

I've already mentioned that it gets away from Monday. That's not just because sometimes it's a long weekend but also because

sometimes Monday is a holiday. Inevitably, election day under the procedures in Bill 98 will fall on Armistice Day, and I'm sure the members would agree that will happen that the second Monday in November is some-day going to be Armistice Day. Then you have to move that date, with all the confusion that it entails. If the government makes it Thursday it does not have to shift that day around to other days. So, for these reasons, we suggest that Thursday is the best day of the week for an election. I would just point out to my colleagues on the other side this was also determined by the Conservative government of this province, when they were dealing with the matter of provincial elections.

We have also looked very closely at election procedures, and the desirable time of the year to hold the municipal elections. We have decided it should be 45 days after Labour Day. Some members may note that this is slightly different to the press release which I put out early this fall, which called for the election day to be on the Thursday following the second Monday. There are three reasons why I changed that very slightly.

First, it gives a better opportunity for university students and others in post-secondary education to get on the normal voters' list enabling them to vote in the municipal elections.

Second, it gets away from some of the procedures which otherwise would have fallen on Thanksgiving Day.

Third, and most important, it gives a uniform time from the period when the procedures start, which is Labour Day, to election day. It gives a constant 45 days to set up procedures, which can be followed consistently from one year to the next. The proposals in Bill 98, of course, will cause a variation of 63 to 70 days and they cannot follow from one year to the next with the same consistency that you could if it were a regular period of time.

[5:30]

The middle of October is a good time of the year first of all, because weather-wise it will not inhibit the election. I suggest this is important, particularly to the northern municipalities in this province. The members may say there's not much difference in southern Ontario between the second Monday in November and October 16 to 22. Those of them who have had some experience in the north, and I haven't had as much as many of my colleagues here, will know that by the second Monday in November we can have pretty bitter weather that can inhibit the turnout of people at an election.





Mr. Roy: Speak for your area. In Ottawa, it is always nice. It is just like Camelot.

Mr. Foulds: But chances are better there.

Mr. Swart: It's rather significant that the provincial government, the government of this province, in the last 50 years has only called one election which was later than the end of October. Only one election and that was on November 22.

Mr. Ruston: Last week you wanted one December 24.

Mr. Warner: That was a matter of principle.

Mr. Swart: So there is some realization among the government itself that November and December are not good election months.

Mr. Haggerty: Tell us the date, Mel.

Mr. Swart: It should also be noted that among the other provinces in this nation, four of them have October dates, and six of them are October or earlier. Those four which have the October dates are Alberta, Manitoba, Saskatchewan and Nova Scotia. Once again one can say in those three western provinces the weather gets pretty rotten in November and December. So it does in northern Ontario.

Mr. Roy: No, not at all.

Mr. Swart: We should give the same consideration to our northerners as the people of Manitoba and Saskatchewan and Alberta give to their residents in easing their getting to the polls on election day.

Mr. Foulds: Right on. Very sensible comment.

Mr. Swart: Secondly, by providing that election day—

Mr. Roy: And finally? No?

Mr. Swart: —shall be held in October, again I point out, that will be between October 16 and 22, it gives the opportunity for a new council to get budget and project preparation done ahead of the fiscal year. As a person who has spent some 21 years on municipal council, Mr. Speaker—

Mr. Roy: Who is that?

Mr. Haggerty: That is too long.

Mr. Pope: Resign.

Mr. Ruston: I think you should have stayed there, personally.

Mr. Swart: —I am conscious of the value of that early planning both for projects and for budgets. But, Mr. Speaker you don't need to take my word for it. This year there was tabled—

Mr. Ruston: Tried to get out of there.

Mr. Swart: —a report of the royal commission on Metropolitan Toronto. Everyone knows who the commissioner there was, the former Premier of this province.

Mr. Havrot: Great man.

Mr. Swart: Let me quote what he says on this item: "The planning of the major expenditure programs of local public bodies begins well in advance of the beginning of the fiscal year. Ongoing expenditure programs continue, regardless of fiscal years or election dates, in municipalities the same way continuity prevails at federal and provincial levels during elections."

"In the present situation, it's typical for budget discussions to continue into the new fiscal year and final mill rates are often not struck until May. As a result, the flexibility of councils in setting budgets is reduced because nearly half the money is spent before final budget allocations can be made."

"Provincial grant levels are a major element in this uncertainty because they have usually been announced in the provincial budget in April, four months into the municipal fiscal year. Early announcement of provincial grant levels relieved this problem in 1976 for 1977. But with the present municipal election date, date of assumption of office, and fiscal year end, it is inevitable that budgets and mill rates will not be established until well into the fiscal year that follows an election."

Mr. Haggerty: What good is an October election, Mel?

Mr. Swart: It gives the opportunity of taking office on the first of November.

Mr. Havrot: Now that answered that question.

Mr. Pope: What about the enumerators?

Mr. Swart: "If the election date is changed to a time earlier in the autumn, the opportunity will exist to improve the capability of councils and school boards to make an earlier start on their budgets than is now possible in election years. This could be accomplished by changing the date of the assumption of office to two weeks after the new election date and leaving the fiscal year unchanged. Thus the elected representatives could be in office planning and budgeting for at least two months before the beginning of the fiscal year."

And recommendation 53 states: "The date for municipal elections in Metropolitan Toronto be advanced to the second week of October with councils assuming office exactly two weeks later, the municipal fiscal year to remain unchanged." I suggest that is very





similar to what this party is proposing in the amendments which will come up some time this evening.

If we think that recommendation made by the former Premier of this province is an aberration then let me read the recommendation made by a former controller in the city of Toronto, Mr. William Archer, who did the report on the Niagara region. He says this: "There are more valid reasons than the weather, the proximity to the holidays and the separation of political advertisements from the pre-Christmas sale ads, for changing the election date. The commission recommends that the municipal election date should be changed to the first Thursday after the second Monday in October. The newly-elected council would take office on November 1 and hold its first council meeting in the subsequent week.

"The November 1 date for the new council to assume its responsibilities was selected to give this new council an opportunity to meet with the staff; form its committees; and begin the detailed preparation and examination of the financial budget and allocations for the following fiscal year.

"An additional advantage of having councils begin their terms on November 1 involves the regional councils." And there is some significance in what he says here. "The important position of regional chairman would be determined by mid-November, not by mid-January. In mid-January 1977 three regional chairmen in Ontario were elected for the first time, necessitating other changes in the composition of the councils.

"The new council would thus be able to give the approvals for financing and the physical work to be undertaken during the following year and get the paperwork cleared away in time to take full advantage of good weather in the spring. This would achieve more benefit than a longer term of office."

He says: "In Canada construction work is normally planned to start in the spring and to finish before the snow flies in the fall. In off-election years most of the budget work and planning is now done in November-December in order to get construction work started as soon as possible in the spring. Following an election, an earlier budget start would be a great advantage. Advance financial planning could be done every year."

I won't read the members the rest of it pertaining to that, except that he concludes by saying: "The whole object of the program recommended here is to facilitate the election process to make it easier for people to vote and to allow the new council to get down to real work as soon as possible after it is elected.

At least two months are necessary to plan adequately for new programs in the new fiscal year."

I suggest that the comments in both of those studies make very eminent sense.

Mr. Bradley: But not in other areas, do you agree?

Mr. Swart: It may come as a surprise to the member for St. Catharines and the member for Erie, but both of them live in regional Niagara.

Mr. Haggerty: You know what happened when you listened to Professor Mayo on regional government.

Mr. Deputy Speaker: Order, order.

Mr. Roy: Let him finish.

Mr. Havrot: Be nice now. If you can't say anything nice, be quiet.

Mr. Swart: Even the Treasurer has intimated all along that he would like to see an earlier date; that he is pushing for an earlier time.

Mr. Foulds: Where is the minister?

Mr. Swart: I am rather interested in the comments made by the parliamentary assistant to the Treasurer in his brief introductory remarks, and I would just like to quote almost identical ones from the Treasurer: "We have been able to adapt the election process to the earlier date without any deleterious effect on essential procedures. At this time, we believe this change is the earliest possible within the constraints posed by these procedures."

We don't simply accept that, and perhaps we can even go back a few years to prove that that statement really didn't stand up. Back in 1972, when the Municipal Elections Act was being discussed at that time, my colleague from Ottawa Centre made a specific recommendation that the election date should be moved ahead substantially.

At that time Mr. Arthur Meen said this—and I'm just giving his concluding remarks: "If you add up all these periods of time"—for the various procedures leading up to election day—"plus a time for advance poll, you wind up with the first Monday of December as the first practical time. So, if we do the enumeration, beginning in September, the only way in which we will be able to advance the date of polling, the actual election date, to a date earlier than the first Monday in December, say, for example, the first Monday in November, would be to start the enumeration process one month earlier." Then he goes on to talk about disadvantages of doing the enumeration in the summertime.





I just say to my colleagues across the House that if this statement was taken for gospel at that time, and we find out now that it is fundamentally wrong, how can we not be equally sure that the statement he makes here is just as wrong as this statement was back in 1972? The facts are that it is. The election date can be moved ahead, and fairly easily.

I would also like to read what the joint committee on the Municipal Elections Act had to say about this in the report which was tabled in July. They say this: "The joint committee agreed that October has often been referred to as a preferable month in which to hold municipal elections but has, however, realized that there are timing problems which make November elections more practical . . . The committee was agreed that the solution to these problems may be found if either the timing or method of enumerating were altered." That's exactly what we intend to do in our amendments.

I have already mentioned that we feel that a uniform time for the procedures to be carried out is preferable to the 63 to 70 days as is proposed by the Treasurer in Bill 98.

I should also point out that if we are concerned about keeping the interest of the electorate, and thus having them vote on election day, that a shorter election period does command greater interest. It is now so long between the time of enumeration, the time the candidates are nominated and the time they're elected, that the people forget there's an election on. A shorter, snappier election certainly commands more interest. In the period we propose there is, of course, a much better period of campaigning for the candidates.

For all of these reasons we think the mid-October date for local elections, with assumption of office on November 1, is far superior to the second Monday in November as election day. It will certainly better meet the principles which I have outlined.

In fact there's considerable support from municipalities for this mid-October date. They've been presented with a fait accompli by the government of this province. But if they had the opportunity to freely pass an opinion on the basis that elections were possible in mid-October, I suggest the majority of them would opt for October.

[5:45]

Many members will know that I sent out a letter and a press release about the New Democratic position on this matter. I got back a great number of letters, the majority

of them in favour of the proposal. I am not suggesting for one moment this is a majority of municipalities in Ontario but the majority of the letters which I received, an amount of 30 to 40, did favour this proposal.

Let me read one or two. From the township of King: "Please find enclosed a copy of the resolution R13477." I want to read the rest of that letter. "The council of the township of King does hereby support the proposal of the New Democratic Party for the municipal election date to be on the Thursday following the second Monday in October." A copy of this resolution was sent to the Premier and the Treasurer of Ontario.

From the corporation of the town of Oakville: "We would advise that Oakville town council on October 3 endorsed the proposal contained in your circulated letter of September 20 dealing with the subject under reference," which was the municipal election day.

From the town of Caledon: "Further to your directive of September 20, 1977, regarding the Municipal Elections Act and Bill 49, we wish to advise that the council for the corporation of the town of Caledon endorsed your stand with regard to amendments being made to the Municipal Elections Act."

From Lion's Head: "Your letter concerning the date for municipal elections was read to council at their October 13 meeting and they are in full support of your proposal for moving this date to the Thursday following the second Monday in October with the new council taking office November 1.

"The proposed date by Hon. Darcy McKeough of the second Monday in November could still prevent problems weather-wise, even in the southern part of the province and most certainly in the northern part, and the exercise of changing the date could be futile. In addition, the two-month period of a new council to get their toes wet, so to speak, before taking the plunge seems feasible."

From the regional municipality of Durham by resolution: "that Mr. M. Swart, MPP, be advised that the regional municipality of Durham does not concur with the provincial government's proposed change in the time of municipal elections and further have requested Hon. Darcy McKeough, Treasurer of Ontario, to amend section 11 of Bill 49 to advance polling date to an earlier date."

Mr. Lewis: They should redraw the bill.

Mr. Swart: From the municipalities of Galway and Cavendish by motion: "that council support the amendments to the Municipal Act re municipal election dates as supported in an





amendment proposal by Mr. Mel Swart calling for municipal elections to be held 37 days after Labour Day. Carried."

Finally, I have a letter from the corporation of the township of Longlac. This is a rather significant one because it expresses a view which is held in the north. "Thank you for our letter of September 20 and the attached press release. Council of the township of Longlac has considered the contents of these documents and has directed me to write you in support of your proposal to move the election date as far forward as possible. In our area the weather difference between mid-October and mid-November is considerable and the former is certainly better for campaign and election conditions. This apparently, as not been taken into account by the government and it suggests that we have another example of legislation designed for southern Ontario on our hands. Our thanks for your concern in this matter and good wishes for success in your proposed amendment."

Mr. Lewis: Where was that? Timmins?

Mr. Swart: That was the township of Longlac, northern Ontario.

Mr. Pope: Is that the only northern Ontario municipality that replied?

Mr. Swart: No, it is not.

Mr. Foulds: The member for Cochrane South had better get in touch with his riding.

Mr. Swart: I also have letters from the region of Niagara, Markham, Goderich and many others including others in northern Ontario, which I will show to you, Mr. Speaker. I suggest we do have a lot of support from municipalities. If they are given the opportunity of a free choice, they would go to that date.

Let me say one other thing here and I will endeavour to be through by the 6 o'clock deadline. I will promise to endeavour to be through by then.

Mr. Lewis: Don't feel pressed. There is lots of time.

Mr. Swart: We will present in our amendment and speaking to our amendment a step-by-step procedure, which I don't think anyone in this House can deny will be workable, starting the enumeration the day after Labour Day in having the election between October 16 and October 22.

Mr. Lewis: Excellent.

Mr. Swart: In fact, I go so far as to say that the timing and the technique used in those proposals are substantially superior, less complex with less severe deadlines than what Bill 98 now proposes. I will be going through that procedure in the committee stage.

I just want to say the enumeration procedures we will be proposing will be what the Ontario government uses in the Election Act of Ontario. Re-enumeration, or special enumeration will enhance the ease of getting people on the voter's list who may have been left off. We will be suggesting the posting of the preliminary voter's list, which will be the enumerator's list, by the Friday after the second Monday in September and it will be posted in these polling subdivisions, as it is done provincially, so people can see whether their names are, in fact, on the voter's list and will have the opportunity of getting them on. We will be having re-enumeration and courts of revision up to 13 days before the polling day rather than the 17 days provided in Bill 98. The advance poll will be on Thursday, one week prior to election day, which is preferable to the Saturday proposed in the legislation.

All of us who went through the last provincial election know many people were going away and they did not vote in that advance poll because it was held on the Saturday and they were leaving on the Friday evening. It is much better to have the advance poll on a weekday rather than as a compulsory poll on the weekend.

We will be going along with the government in having nomination day three weeks prior to election day. We also think it's necessary to continue the opportunity of depositing nomination papers in advance of the final nomination day. I know there have been some requests from some municipal people there only be the one day. We think it's important there be other days, so they can deposit them ahead of time.

We will be supporting the continuation of elections every two years, because as I've already said it gives greater accountability. We will be supporting the proposal which you have changed, that the clerk will conduct a lot, if there is any equality of votes. We'll also give equality in the final section to the French. I think there was a Freudian slip in there which indicates French is a secondary language and we will be moving a slight amendment to give that some form of equality. We'll also be moving there be a supplementary nomination day. I can't understand why the government didn't pick that up. Municipalities now sometimes have to hold a full second election because they don't get enough people nominated to fill the offices on the regulation nomination day.

Mr. Haggerty: Don't have much faith in council.





Mr. Swart: They could very well have nomination day three days later and just carry on with the normal procedures saving all that cost to the municipalities and we will be so proposing.

We'll also be proposing the polls be open from 9 a.m. to 11 a.m. and we will provide in our amendment for submissive legislation, limiting campaign expenditures and requiring disclosure. I say as forcefully as I can, we need this municipally even more than we do provincially or federally. There are no political parties to finance the candidates at the municipal level.

Mr. Lewis: Great pity.

Mr. Swart: I like it that way and I think most people here do. But when you have a large municipality like Toronto, where are the funds going to come from to pay the campaign expenses of a serious candidate?

Mr. Foulds: The Tories subsidize their candidates.

Mr. Swart: A person who has a private source, or who has the opportunity to get it, certainly has a much better chance of winning the election. Ultimately, we want to go much further with an election expenses Act.

This measure will encourage candidates and I personally know of several people in Thorold and Welland who decided not to run because of the cost of the municipal election—quite a number of people over the years.

In conclusion let me say that we in this party are taking this bill seriously. Again I say it's deplorable that the Minister of Treasury, Economics and Intergovernmental Affairs doesn't take it seriously. He hasn't even been here in more than two years when municipal matters have been before this House. It's true to say that he considers municipal affairs in the order of his title: first Treasurer, then Minister of Economics, then Minister of Intergovernmental Affairs. That ought to make him third but it doesn't, because he gives priority to intergovernmental affairs between the province and the federal government. I say it's time that there was somebody in this House giving more than their fourth-place attention to municipal affairs.

This bill can be a vehicle for enhancing democracy at the local level. With only 30 to 55 per cent of people voting, this Legislature must do what it can to increase participation.

Our proposed changes will, I believe, in some small measure accomplish this. Quite frankly, where we've had to weigh and balance ease of public involvement with some inconvenience to election officials, we have favoured the ease of public involvement. Without exception, our amendments will maximize opportunity to vote, to be serious candidates for office and to provide efficiency in carrying out responsibilities at the local government level.

Mr. Deputy Speaker: I believe the member for Fort William is next. Do you need more than two minutes?

Mr. Hennessy: No, I think I can say in two minutes what he said in an hour.

Mr. Deputy Speaker: Then I'll recognize the member for Fort William.

Mr. Foulds: It took the member for Fort William more than two minutes to ask a question this afternoon.

Mr. Hennessy: It's an excellent bill. I think, coming from the north, I would know just as much about the north as this gentleman, who's probably never been there. All the municipalities up there were in favour of having the date moved up. The second week in November is very satisfactory.

An hon. member: No, it's not.

Mr. Hennessy: I received a lot of requests from the municipalities in that area.

Mr. Warner: Prove it.

Mr. Hennessy: It would not be a lame duck council to some extent by getting elected and assuming office as soon as possible. Many times when you were elected and had to wait six to eight weeks nothing could be done and nothing could be voted on. Everybody took that as a crutch, more or less, not to do anything.

It was a tough decision to make. I firmly support the ministry's request to move the date up and I think the gentleman showed a great courtesy for the next speaker.

The House recessed at 5:58 p.m.





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